CONTENT

Bill for Introduction into the National Assembly—

The Statute Law (Miscellaneous Amendments) Bill, 2013 ....................... 927

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI
THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2013

A Bill for

AN ACT of Parliament to make minor amendments to statute law

ENACTED by the Parliament of Kenya, as follows-

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 2013.

2. The several laws specified in the first column of the Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column.

3. The provision in the Schedule relating to the National Honours Act, 2013 shall be deemed to have come into operation on the 25th January, 2013.

SCHEDULE

<table>
<thead>
<tr>
<th>Written law</th>
<th>Provision</th>
<th>Amendment</th>
</tr>
</thead>
</table>
| The Interpretation and General Provisions Act (Cap. 2). | s. 3 | Delete the definitions of the words “Minister” and “the Minister” and substitute therefor the following new definitions in proper alphabetical sequence-

“Cabinet Secretary” means a person appointed as a Cabinet Secretary of the Government of Kenya under the Constitution, or the President, Deputy President or the Attorney-General;

“the Cabinet Secretary” means the Cabinet Secretary for the time being responsible for the matter in question, or the President where executive authority for the matter in question is retained by him, or the Attorney-General where executive authority for the matter in question has been conferred on him. |
The Advocates Act (Cap 16).
The Criminal Procedure Code (Cap. 75).

s.57(1) Delete paragraph (aa).

New Insert the following section immediately after section 123-

Exception to right to bail.

123A. (1) Subject to Article 49(1)(h) of the Constitution notwithstanding section 123, the Court may decline to grant bail to a person to whom that section applies where-

(a) the Court, or the police officer in the case of a person under arrest, has reason to believe that -

(i) the person may, if released on bail (with or without conditions)-

(A) fail to surrender to custody;

(B) commit an offence while on bail; or

(C) interfere with witnesses or otherwise obstruct the course of justice; or

(ii) the person should be kept in custody for his own protection or welfare;

(b) the case has been adjourned for inquiries which it would be impracticable to make unless the accused person is kept in custody;

(c) the person is previously in custody pursuant to a sentence of a court; or

(d) the person has previously been released on bail in connection with the present proceedings and has been arrested pursuant to section 87.
(2) In making a decision under subsection (1), the Court or police officer shall have regard to all the relevant circumstances and in particular—

(a) the nature or seriousness of the offence;

(b) the character, antecedents, associations and community ties of the accused person;

(c) the defendant’s record in respect of the fulfillment of obligations under previous grants of bail; and

(d) the strength of the evidence of his having committed the offence.

(3) A person who is arrested or charged with any offence not punishable by imprisonment shall be granted bail unless the court, or police officer (in the case of a person under arrest) is satisfied that the person—

(a) has previously been granted bail and has failed to surrender to custody and that if released on bail (whether or not subject to conditions) it is likely that he would fail to surrender to custody;

(b) should be kept in custody for his own protection and welfare; or

(c) is already in custody pursuant to a sentence of a court.

The Prisons Act s.46 Delete.
(Cap. 90).
The Statute Law (Miscellaneous Amendments) Bill, 2013

s.48 Delete.

The Mohammedan Marriage and Divorce Registration Act (Cap. 155).

Short title Delete the expression “Mohammedan” and substitute therefor the expression “Muslim”.

The Mohammedan Marriage, Divorce and Succession Act (Cap 156).

Short title Delete the expression “Mohammedan” and substitute therefor the expression “Muslim”.

The Kenya Ports Authority Act (Cap. 391).

s.2(3) Delete and substitute therefor the following new subsection-

(3) This Act shall apply to inland waterways ports.

Second Schedule Insert the following new Part immediately after Part II –

Part III
Kisumu Port.

The Kenya Airports Authority Act (Cap.395).

s. 5(1) Delete the word “two” appearing in paragraph (f) and substitute therefor the word “five”.

The Air Passenger Service Charge Act (Cap.475).

s.3(1) Delete the expression “two hundred” appearing in paragraph (b) and substitute therefor the expression “five hundred”.

Insert the following new subsection immediately after subsection (2)-
(3) All proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority and the Kenya Civil Aviation Authority in such manner as the Cabinet Secretary for the time being responsible for finance may, by notice in the Gazette, specify.


s.5(a) Delete subparagraph (ii) and insert the following new subparagraphs-

(ii) postal financial services, and incidental services relating to the issuing, receiving, and paying of mobile e-money, mobile payments, money remittance business, money and postal orders, postal drafts, postal travellers’ cheques, giro services, cash on delivery, collection of bills, virtual savings services, general electronic online agency services and registration and for delivery of newspapers and periodicals, and

(iii) electronic retail transfers and the National Payments System.

Schedule Para 5 Insert the expression “Corporation Secretary” immediately after the word “Chairman” wherever it appears.

Delete the words “one member” appearing in the proviso thereto and substitute therefor the words “one or more members”.

Delete the expression "Permanent Secretary" appearing in paragraphs (b), (c) and (d) and substitute therefor the expression "Principal Secretary".

Delete paragraphs (f), (g), (h), (i), (j), (k) and (l) and insert the following new paragraph immediately after paragraph (d)-

(e) two members appointed by the Minister as follows-

(i) one person nominated by the Federation of Kenya Employees;

(ii) one person nominated by the Central Organisation of trade Unions.

Delete subsection (2).

Delete and substitute therefor the following-

(1) There shall be a chief executive officer of the Board who shall be recruited competitively by the Board on such terms and conditions

(1A) The chief executive officer shall, subject to the directions of the Board, be responsible for the day-to-day management of the Fund and shall be the Secretary of the Board.
The Copyright Act, 2001 (No. 12 of 2001)

s.22 Insert the following new subsection immediately after subsection (4) –

(5) Rights protected by copyright shall accrue to the author automatically on affixation of a work subject to copyright in a material form, and non-registration of any copyright work or absence of either formalities shall not bar any claim from the author.

s.28(5) Delete the fullstop and add the words “and the compensation shall be collected by the Board and distributed to the respective copyright collecting society registered under section 46.

New Insert the following new section immediately after section 33-

Compulsory licences in copyright works withheld from Kenyan market.

33A(1) The competent authority may upon application by any person grant a compulsory licence for works not made available in the Kenyan market during the term of copyright where the owner of the copyright in the work-

(a) refuses to republish or allow the republication of the work or to allow the performance of the work in public, and by reason of
such refusal the work is withheld from the public; or

(b) refuses to allow-

(i) communication of such work to the public; or

(ii) in the case of a sound recording, the communication of the work recorded in such recording to the public by broadcast, on terms which the complainant considers unreasonable,

(2) The Board may, after giving to the owner of the copyright in the work a reasonable opportunity to be heard and after holding such inquiry as it may deem necessary, if it is satisfied that the grounds for such refusal are not reasonable, grant to the complainant a licence to republish the work or communicate the work to the public by broadcast, as the case
may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the competent authority may determine.

(3) Where two or more persons make an application in respect of the same work, the licence shall be granted to the applicant who in the opinion of the competent authority would best serve the interests of the general public.

New

Insert the following new section immediately after section 46-

Approval for imposition and collection of levy

46A Notwithstanding any other provision of this Act, no collecting society shall-

(a) impose or collect royalty based on a tariff that has not been
Delete the definition of the word “Director”.

Insert the following new definition in proper alphabetical sequence-

“Secretary” means the Secretary of the Commission appointed under section 16 of the Ethics and Anti-Corruption Act, 2011;

Delete.

Delete and substitute therefor the following-

Secretary to Advisory Board.

21. The Secretary of the Commission appointed under section 16 of the Ethics and Anti-Corruption Act shall be the Secretary to the Advisory Board.

Delete the word “Director” wherever it appears and substitute therefor the word “Secretary”.

Delete the word “Director” and substitute therefor the word “Secretary”.

the Gazette from time to time; or

(b) levy royalty on users exempted by the Cabinet Secretary by notice in the Gazette.
<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td>s.26</td>
<td>Delete the word “Director” wherever it appears and substitute therefor the word “Secretary”.</td>
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<tr>
<td>s.27(1)</td>
<td>Delete the word “Director” and substitute therefor the word “Secretary”.</td>
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<tr>
<td>s.32</td>
<td>Delete the word “Director” and substitute therefor the word “Secretary”.</td>
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<tr>
<td>s.35(3)</td>
<td>Delete and substitute therefor the following:</td>
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<td>(3) The Commission may refer a matter to the Ethics and Anti-</td>
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<td>Corruption Commission or any other appropriate body for</td>
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<td>investigation, and that body shall investigate the matter within a</td>
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<td>reasonable time and submit a report on its findings to the</td>
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<td></td>
<td>Commission.</td>
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<tr>
<td>s.38</td>
<td>Insert the words “or the Ethics and Anti-Corruption Commission”</td>
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<td></td>
<td>immediately before the words “or other appropriate authority”.</td>
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<tr>
<td>s.39</td>
<td>Insert the words “State Officers” immediately after the words “with</td>
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<td>respect to”.</td>
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<tr>
<td>s.5(3)</td>
<td>Delete the word “mental” appearing in paragraph (a) and substitute therefor the word “marital”.</td>
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<tr>
<td>s.2</td>
<td>Delete the words “or elsewhere” wherever they occur in the definition of “counterfeiting”.</td>
</tr>
<tr>
<td>s.6(1)</td>
<td>Delete and substitute therefor the following new subsection -</td>
</tr>
<tr>
<td></td>
<td>(1) The management of the Agency</td>
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</tbody>
</table>
shall vest in the Board which shall consist of-

(a) a Chairman appointed by the Cabinet Secretary from amongst the members appointed under paragraph (h);

(b) the Principal Secretary in the Ministry for the time being responsible for matters relating to industrialisation or his or her representative;

(c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance or his or her representative;

(d) the Executive Director appointed under section 10;

(e) the Commissioner-General of the Kenya Revenue Authority, who may be represented by the Commissioner of Customs;

(f) the Managing Director of the Kenya Bureau of Standards;

(g) the Chief Executive of the Kenya Association of Manufacturers or a representative, being a person who meets the qualifications set out in paragraph (h); and

(h) two members appointed by the Cabinet Secretary, not being public officers, and who hold a degree from a university recognised in
Kenya and have at least ten years’ experience in matters relating to—

(i) intellectual property rights;

(ii) consumer protection, or

(iii) trade.

S. 16 Add the following new subsection immediately after subsection (3)—

(4) There shall be established an Intellectual Property Enforcement and Co-ordination Advisory Committee whose membership shall consist of—

(a) the Principal Secretary in the Ministry for the time being responsible for matters relating to trade or a representative who shall be the chairperson; and

(b) fourteen other members drawn from various agencies involved in the protection and enforcement of intellectual property rights.

New Insert the following new section immediately after section 34-

Compounding of offences.

34A.(1) Subject to subsection (2), the Executive Director may, where satisfied that any person has committed an offence under this Act in respect of which a fine is
provided for or in respect of which anything is liable to forfeiture, order such person to pay a sum of money, not exceeding the amount of the fine to which the person would have been liable if he or she had been prosecuted and convicted for the offence, as he may deem fit, and the Executive Director may order anything liable to forfeiture in connection with the offence to be forfeited.

(2) The Executive Director shall not exercise the powers conferred under subsection (1) unless the person admits in the prescribed form that he or she has committed the offence and requests the Executive Director to deal with such offence under this section.

(3) Where the Executive Director makes any order under this section—

(a) the order shall be in writing and shall have attached to it the request of the person to the Executive Director to deal with the matter;

(b) the order shall specify the offence which the person
committed and the penalty imposed by the Executive Director;

(c) a copy of the order shall be given to the person if the person so requests;

(d) the person against whom an order is issued under this section shall not be liable to any further prosecution in respect of the offence, and where any prosecution is subsequently brought in respect thereof, it shall be a defence for the person to prove that the offence which he or she is charged with has been compounded under this section; and

(e) the order shall be final, and may be enforced in the same manner as a decree or order of the High Court.

The Merchant Shipping Act, 2009 (No. 4 of 2009). s.2 Delete the expression “409 of this Act” appearing in the definition of the word “inspector” and substitute therefor the expression “14 of the Kenya Maritime Authority Act, 2006”.

Insert the words “the mainland and the
mainland” immediately after the words “voyage between” appearing in the definition of the expression “local voyage”.

Insert the following new definition in a proper alphabetical sequence-

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters related to merchant shipping”.

Delete the definition of the word “Minister” and substitute therefor the following new definition-

“Minister” means the Cabinet Secretary.

s.21 (1) Delete the expression “19” and substitute therefor the expression “20”.

s.91 (1) Delete the expression “Armed Forces” appearing in paragraph (a) and substitute therefor the expression “Kenya Defence Forces”.

s.91(4) Delete the expression “Defence Forces of Kenya” and substitute therefor the expression “Kenya Defence Forces”.

s.388 Delete the expression “under section 388” appearing in paragraph (a).

Delete the words “in respect of any liability and compensation for pollution damage” appearing in paragraph (d) and substitute therefor the words “within the meaning of the International Convention on Civil

s.16(2) Delete paragraph (c).

Delete paragraph (d) and substitute therefor the following new paragraph-

(d) one person each nominated by the following bodies respectively, and appointed by the Cabinet Secretary-

(i) the Kenya Private Sector Alliance;

(ii) the Kenya National Council for person with disabilities working in the youth sector;

(iii) Non-Governmental Organisation working in the youth sector;
(iv) the Public Universities;

(v) the National Agency for the Campaign – Against Drug Abuse:

Provided that at least one-third of the persons appointed under paragraph (d) shall be of opposite gender and shall reflect Kenya’s ethnic, cultural and religious diversity.

s.16(3) Delete.

s.17(1) Delete and substitute therefor the following new subsection-

(1) The functions of the Board shall be to-

(a) receive and approve the plans, reports, financial statements and the budget of the Council; and

(b) advise the Council generally on the exercise of its powers and the performance of its functions under this Act.

The Vetting of Judges and Magistrates Act, 2011 (No. 2 of 2011).

s.14(1) Insert the words “by court Order” at the end of paragraph (a).

s.22(1) Delete the words “the same panel” and substitute therefor the words “a new panel to be constituted by the Chairperson of the Board”.

University;
s.23(1)  Delete.

s.23(2)  Delete the expression “2013” and substitute therefor the expression “2015”.

Insert the following new subsection immediately after subsection (3)-

(4) Notwithstanding the foregoing, where the time prescribed therein lapses while a matter is part-heard by the Board, such time shall be deemed to have been extended to facilitate a fair, just and timely conclusion of such matter.

The Independent Offices Appointment Act, 2011 (No. 8 of 2011).

Renumber the existing provision as subsection (1) and insert the following new subsection—

(2) If an independent office becomes vacant, or the holder of the office is unable to exercise the functions of the office due to mental, physical or other incapacity, the President may appoint the next senior-most person within that office to act in that capacity, and the person so appointed shall continue to act in that capacity until a substantive holder of the office is appointed, or, as the case may be, until the person in whose place he or she is acting resumes those functions:

Provided that an acting appointment shall not be for a period exceeding sixty days unless extended by the National Assembly.

s.4(3) Delete and substitute therefor the following new subsection—

(3) The members of the Commission shall serve—

(a) in the case of the chairperson and the members appointed under Article 230(2)(b), on a full time basis; and

(b) in the case of the members appointed under Article 230(2)(c), (d), and (e), on a part-time basis,

for a non-renewable term of six years.

S.16(1) Delete the words “and the prior approval of the National Assembly”.

The Political Parties Act, 2011 (No. 11 of 2011).

s.34A (1) Delete the introductory portion and substitute therefor the following—

(1) Whenever a vacancy arises in the Office of the Registrar of Political Parties or the Assistant Registrar, the President shall, with the approval of the National Assembly, appoint a Selection Committee comprising—

s.34A(3) Delete.

Seventh Schedule Delete paragraph 8.
The National Police Service Act, 2011 (No. 11A of 2011).

s.14(b) Delete.

The Industrial Court Act, 2011 (No. 20 of 2011).

Long title.

Delete and substitute therefor the following—

"An Act of Parliament to establish the Labour Relations Court to hear and determine disputes relating to employment and labour relations and for connected purposes."

s.1 Delete the word "Industrial" and substitute therefor the word "Labour Relations".

s.2 Delete the word "Industrial" appearing in the definition of the word "Court" and substitute therefor the words "Labour Relations".

Delete the words "Principal Judge" wherever they appear and substitute therefor the words "presiding Judge".

s. 3(1) Delete the words "just, expeditious and proportionate" and substitute therefor the words "efficient, effective, just and expeditious".

s.4 Delete and substitute therefor the following new section—

4. There is established the Labour Relations Court pursuant to Article 162(2) of the Constitution.
Delete paragraph (a) and substitute therefor the following new paragraph:

(a) the Presiding Judge.

Delete all the words appearing in paragraph (b) immediately after the word "Judges" and substitute therefor the words "as may be determined and recruited by the Judicial Service Commission and appointed in accordance with Article 166(1) of the Constitution."

Delete subsections (2), (3), (4) and (5).

Delete and substitute therefor the following:

6. A person shall be qualified for appointment as a judge of the court if the person meets the qualifications specified in Article 166 of the Constitution."

Delete the word "Principal" wherever it appears and substitute therefor the word "presiding".

Delete.

Delete paragraph (b).

Delete the word "control" and substitute therefor the word "direction."
Delete subsections (3), (4) and (5).

s. 10 Insert the word “has” immediately before the word “demonstrated” appearing in paragraph (b).

s. 11 Delete the introductory portion and substitute therefor the following:

11. The Registrar shall perform the duties assigned to the Registrar under this Act, and such other duties as the Chief Registrar may direct, and in particular be responsible for-

s. 12 Insert the following new sub-section immediately after sub-section (4)—

(5) The Court shall have jurisdiction to hear and determine appeals arising from—

(a) decisions of the Registrar of Trade Unions; and

(b) decisions of any other local tribunal or commission as may be prescribed under any written law.

s. 13 Delete the words “made under this Act” and substitute therefor the words “made under the Civil Procedure Act.”

s. 14 Insert the word “Chief” immediately before the word “Registrar.”
s. 15. Delete sub-sections (2) and (3).

Insert the following new sub-section immediately after sub-section (5)—

(6) Nothing in this section shall preclude the Court from making reference to the guidelines issued from time to time by the Salaries and Remuneration Commission to the extent to which they may be relevant to the dispute.

s. 17(2) Delete.

s. 18 Delete.

s. 20(1) Delete all the words appearing immediately after the word "technicalities."

s. 20(2) Delete.

s. 20 (3) Delete.

s. 20(7) Delete the words “two hundred thousand” and “six months” and substitute therefor the words “one million and “two years” respectively.

s. 21(2) Delete the words “being not less than three”.

s. 22(1) Delete the expression “Industrial Court” and substitute therefor the expression “Labour Relations court”.

s. 24 Delete the word “Principal” and substitute therefor the word “presiding.”
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>s.27</td>
<td>Delete the marginal note and substitute therefor the words “Rules and Regulations”.</td>
</tr>
<tr>
<td>s.27(1)</td>
<td>Delete the words “may in consultation with the Commission”.</td>
</tr>
<tr>
<td>s. 28</td>
<td>Delete.</td>
</tr>
<tr>
<td>s. 29(5)</td>
<td>Delete.</td>
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<tr>
<td>s. 30</td>
<td>Delete.</td>
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<tr>
<td>s. 32(3)</td>
<td>Delete.</td>
</tr>
<tr>
<td>s. 35</td>
<td>Delete all words appearing immediately after the words “effect to this Act.”</td>
</tr>
<tr>
<td>s.11(1)</td>
<td>Insert the words “or economic crimes” immediately after the word “corruption” appearing in paragraph (d).</td>
</tr>
<tr>
<td>s.11(2)</td>
<td>Delete.</td>
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<tr>
<td>s.11(3)</td>
<td>Insert the words “and any foreign government or international or regional organisation” immediately after the word “agencies”.</td>
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<tr>
<td>s.8(1)</td>
<td>Delete the introductory portion to paragraph (g) and substitute therefor the following-</td>
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<td>“(g) six other members, not being public officers, appointed</td>
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</table>
by the Cabinet Secretary taking into account regional balance and gender parity, of whom:

s.8(3) Delete.

s.14(1) Delete the words “and with prior approval of the National Assembly”.

s.20(2) Delete the introductory portion of paragraph (g) and substitute therefor the following:

(g) six other members, not being public officers, appointed by the Minister taking into account regional balance and gender parity, of whom:

s.20(4) Delete.

s.25(1) Delete the words “and with prior approval of the National Assembly”.

s.32(1) Delete the introductory portion of paragraph (f) and substitute therefor the following:

(f) five other members, not being public servants, appointed by the Minister taking into account regional balance and gender parity, of whom:

s.32(2) Delete.

s.43(1) Delete the words “through a competitive process” appearing in paragraph (f).

s.43(2) Delete.
s.48(1) Delete the words “and with prior approval of the National Assembly”.

s.54 Delete the words “through a competitive process” appearing in paragraph (h).

s.54(2) Delete.

s.67(4) Delete the words “through a competitive process” appearing in paragraph (d).

s.67(5) Delete.

s.73(1) Delete the words “and with prior approval of the National Assembly”.

s.77(1) Delete the words “through a competitive process” appearing in paragraph (e).

s.77(2) Delete.

s.82(1) Delete the words “and with prior approval of the National Assembly”.

The Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 (No 29 of 2011)

s.2 (1) Delete the definition of “public health officer” and substitute therefor with the following definition-

“public health officer” has the meaning assigned to it under the Public Health Officers (Training, Registration and Licensing ) Act, 2012;

The Public Appointments (Parliamentary Approval) Act, 2011 (No 33

New Insert a new section immediately after section 12 as follows-

13 (1) Despite the provisions of this Act or any other written
law, where a time is prescribed for doing an act or taking a proceeding by a House of Parliament relating to a public appointment, the House may, by resolution, extend that time by a period not exceeding fourteen days.

(2) Where an extension of time is granted under subsection (1), the doing of all other acts consequential thereto shall be deemed to have been extended accordingly.

(3) The power of a House of Parliament contemplated under subsection (1), may be exercised—

(a) only once in a session of Parliament in respect of a particular matter; and

(b) only in exceptional circumstances to be certified by the Speaker of the relevant House.

The Land Registration Act, 2012 (No.3 of 2012) Schedule Insert the following new item at the end thereof-

The Land Control Act (Cap. 302)

Insert the following new subsection immediately after subsection (1)-

(1A) The common seal of the Commission shall be authenticated by the signatures of the Chairperson and one other member of the Commission.


Insert the following paragraph immediately after paragraph (i) –

(j) encourage pride and excellence in the public service and foster in managers and other public service employees a sense of the purposes, values and professional work ethic of the public service as stipulated in the Constitution and the relevant policies, laws and regulations;

(k) ensure acquisition, by officers in the public service, of the analytical, creative, advisory, administrative and other managerial skills and knowledge necessary to develop and implement policy, respond to change, including changes in the expectations of efficient and effective service delivery, and manage Government programs, services and personnel efficiently, effectively and equitably;

(l) train managers and other public service employees to develop successful working
relationships at all levels through leadership, motivation, effective internal communications and the encouragement of innovation, high-quality service to the public and skills development;

(m) develop within the public service and endeavour to attract to the public service through the School’s programs and studies, persons who are of high calibre and who reflect the diversity of Kenyan society, and support their growth and development as public sector managers and employees committed to service to the Republic;

(n) encourage greater public awareness of issues related to public sector management, public administration and the role and functions of Government and involve a broad range of individuals and institutions in the School’s pursuit of excellence in public administration.

s.6(1) Delete the expression “Permanent Secretary” wherever it appears in paragraphs (b), (c) and (d) and substitute therefor the expression “Principal Secretary”.

s.6(4) Delete the expression “five years” and substitute therefor the expression “three years”.

s.8 Delete paragraph (c) and substitute therefor the following new paragraph

(c) competitively search, vet and submit the names of three nominees to the Cabinet Secretary for appointment to the position of Director – General.

s.9(3) Delete and substitute therefor the following-

(2) The members of the Council may attend the meeting in person or through a representative.

s.13 Insert the following new subsections immediately after subsection (3) –

(3A) The officers and employees necessary for the conduct of the work of the school shall be appointed in accordance with the rules, regulations and procedures of the Public Service Commission.

(3B) Despite subsection (3A) the Director – General may, on behalf of the Council, appoint and employ teaching and research staff and may, with the approval of the Council, determine the terms and conditions of their employment, including their remuneration.

(3C) The rules, regulations and procedures of the Public Service Commission shall not
s.13 Insert the following new subsections immediately after subsection (4) –

(5) In exercising the powers of management and control, the Director-General shall take into consideration the policies of the Government and the policies with respect to learning, training and public service delivery needs and priorities that are established by the Public Service Commission and the relevant Ministry.

(6) The Director-General shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(7) In the event of a vacancy in the office of the Director-General, the Cabinet Secretary may appoint a senior officer of the School to act as Director-General, but the term of such an appointment shall not exceed ninety days except with the Council’s approval.

New Insert the following new section immediately after section 13 –

Determination of Fees. 13A. The Director – General may, with the approval of the
The Public Finance Management Act, 2012 (No. 18 of 2012).

The Leadership and Integrity Act, 2012 (No. 19 of 2012).

Delete the words “and county assembly” and insert the words “county assembly and Parliament”.

Insert the words “and may include the Attorney-General” at the end of the definition of the expression “Cabinet Secretary”.

Insert the following new section immediately after section 12—

Self-declaration

12A. Any person intending to be appointed to a State office shall submit to the Commission a self-declaration form in the form set out in the First Schedule.

Insert the words “and any other provisions of the Constitution relating to the election or appointment to a state office” immediately after the word “Constitution”.

Council prescribe the fees or the manner of determining the fees to be charged for any service or for the use of any facility provided by the School or to be charged by the School when selling, licensing the use of or otherwise making available any property right held, controlled or administered by the School.
s.13(2) Delete the expression "Electoral and Boundaries commission" and substitute therefor the word "Commission".

s.42 Insert the following new subsection immediately after subsection (9) –

(10) Notwithstanding subsection (2) and (3), the Commission may inquire into and investigate an alleged breach of the Code either upon receipt of a complaint or on its own motion.

s.52(1) Delete the words "except section 18".

s.55 Delete.


S.96(1) Delete the expression "non-property" appearing in paragraph (a) and substitute therefor the expression "non-public property".

s.7 Delete and substitute therefor the following new section-

Secretary to the Council. 7. Until the Council appoints its secretary, the Secretary to the Cabinet shall be the secretary to the Council.


s.2 Insert the following new definitions in the proper alphabetical sequence-

"cruel, inhuman or degrading treatment or punishment" means deliberate and aggravated treatment or punishment not amounting to torture, inflicted by a person in authority or the agent of the person in authority against a person under his or her custody, causing suffering, gross
The Statute Law (Miscellaneous Amendments) Bill, 2013

humiliation or debasement to the person;

“torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purpose of-

(i) obtaining information or a confession from the person or from a third person;
(ii) punishing the person for an act which that person or a third person has committed or is suspected of having committed;

(iii) intimidating or coercing that person or a third person; or
(iv) for any reason based on discrimination of any kind,

when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity,

s.8(3) Delete.

s.8(4) Delete

s.10 Delete paragraph (d).

Delete the words “issued to the Chief of Defence Forces and report thereon to the President and Parliament” appearing in paragraph (g) and substitute therefor the words “in Defence matters”.

Delete paragraph (h)(i).
s.11(1) Delete paragraph (a).

s.12 Delete the words "of the Defence Forces" appearing in paragraph (i) and substitute therefor the words "issued to Service Commanders".

s.13 (1) Delete the words "through the Service Commanders" appearing in paragraph (a).

Delete paragraph (b).

s.16(1) Delete the expression "(1)".

s.17(1) Delete paragraph (b).

s.19 Delete subsection (2) and substitute therefor the following new subsection-

(2) The Defence Council shall appoint a person to be Secretary of the Council.

s.20(1) Insert the following new paragraph immediately after paragraph (g)-

(h) shall develop the criteria for the recruitment, promotion and transfer of members of the Defence Forces.

Renumber paragraph (h) as paragraph (i)

s.28 Delete subsection (2).

s.28(3) Delete the words "chances allocated per county" and substitute therefor the words "designated recruitment centres for all the counties".
s.29(2) Delete the words “in consultation with the Public Service Commission”.

s.31 Renumber the existing provision as subsection (1) and insert the following new subsections-

(2) Where the Defence Forces are deployed for any purpose contemplated in subsection (1)(a) and (b), the Cabinet Secretary shall inform the National Assembly promptly and in appropriate detail of the-

(a) reasons for such deployment;
(b) place where the Defence Forces are being deployed;
(c) number of persons involved;
(d) period for which the Defence Forces are expected to be deployed; and
(e) expenditure incurred or expected to be incurred for that purpose.

(3) If the National Assembly is not in session during the first seven days after deployment of the Defence Forces as contemplated in subsection (2), the Defence Council shall, through the President, provide the information required in subsection (2) to the Speaker of the National Assembly.

s.32(1) Delete.

s.32(2) Delete the words “pursuant to subsection (1).
s.34(1) Insert the words "and other authorities" immediately after the words "National Police Service".

s.34(2) Insert the words "and other authorities" immediately after the words "National Police Service".
Delete the expression "33(1)" and substitute therefor the expression "31(1)".

s.35(1) New Delete the expression "33" and substitute therefor the expression "31(a) and (b)".

New Insert the following section immediately after section 133-
Prohibition of torture or cruel treatment.

133A. (1) A member of the Defence Forces shall not subject any person to torture, cruel, inhuman or degrading treatment.

(2) A member of the Defence Forces who subjects a person to torture commits an offence and is liable on conviction to a fine not exceeding ten million shillings or imprisonment for a term not exceeding twenty five years or both.

(3) A member of the Defence Forces who subjects a person to cruel, inhuman and degrading treatment commits an offence and is liable on conviction to a fine not exceeding five million shillings or imprisonment for a...
for a term not exceeding fifteen years or both.

s.96(1) Delete the expression “non-property” appearing in paragraph (a) and substitute therefor the expression “non-public property”.

s.112 Add at the end thereof the words “and shall be liable on conviction by a Court Martial to imprisonment for a term not exceeding two years”.

s.113 Insert the words “by Court Martial” immediately after the words “on conviction”.

S.115 Insert the words “by Court Martial” immediately after the words “on conviction”.

s.123 Delete the words “be liable” appearing immediately before the words “to imprisonment”.

s.126(3) Insert the words “be liable” immediately after the words “Court Martial”.

s.142(6) Delete the words “Criminal Procedure Act” and substitute therefor the words “Criminal Procedure Code”.

s.157(2) Insert the words “who shall be the final authority in deciding whether the charges should be dealt with by court martial or be referred back for summary trial” immediately after the words “Director of Military Prosecutions”.

s.196 Insert the word “Martial” immediately after the word “Court”.

s.199 Delete the words “Criminal Procedure Act” and substitute therefor the words
"Criminal Procedure Code”.

s.210(1) Delete the words “unless the trial is begun within three years after the commission of the offence, subject to subsections (2) and (3)”. 

s.210(2) Delete. 

s.210(3) Delete. 

s.210(4) Delete the words “and the Director of Public Prosecution’s consent to the trial” and substitute therefor the words “which may be tried summarily or by Court Martial”. 

s.213(2) Delete the words “of at least the rank of Brigadier” and substitute therefor the words “not below the rank of Major”. 

s.213(3) Insert the following new paragraph immediately after paragraph (b)-

(ba) notwithstanding the provisions of section 157, decide whether to prosecute or not to prosecute in relation to any offence under this Act wherein the accused person elects to be tried by court martial or a Commanding Officer or an appropriate Superior Authority remands the case for trial by court martial; 

s.213(6) Delete the words “shall be a separate office from that of the Legal department in the Defence Forces or Ministry” and substitute therefor the words “shall be an independent office within the Defence Forces”. 

s.245 Delete the words “active service” appearing in the marginal note and
substitute therefor the word "duty".

Delete subsection (9).

Delete subsection (10) and substitute therefor the following new subsection-

(10) The Government shall pay compensation for the loss of lives or disabilities occasioned to members of the Defence Forces while exercising military service or training.

s.270 Delete.

The Kenya School of Law Act, 2012 (No. 26 of 2012).

s.4 (2) Delete the word "train" appearing in paragraph (c).

s.6 (2) Delete paragraph (e).

s.7(2) Insert the words "and may in so doing borrow money and charge property" at the end of paragraph (f).

s.14(4) Delete paragraph (b) and substitute therefor the following new paragraph-

(b) conduct all examinations, other than examinations reserved for the Council for Legal Education under section 8 of the Legal Education Act in accordance with the Schedule approved by the Board from time to time.

Second Schedule Delete paragraph (1) (a) and substitute therefor the following-

Item (a)
(a) having passed the relevant examination of any recognised university in Kenya, or of any university, university college or other institution prescribed by the Council, holds or becomes eligible for the conferment of the Bachelor of Laws (LLB) degree of that university, university college or institution.

Delete the word “or” appearing at the end of subparagraph (b) (ii) and substitute therefor the word “and”.

The Legal Education Act, 2012 (No. 27 of 2012). Delete paragraph (a) and substitute therefor the following new paragraph—

(a) the Chairperson, who shall be a person with at least fifteen years’ experience in matters relating to legal education and training or a legal practitioner upon whom the rank of Senior Counsel has been conferred by the President, and who shall be appointed by the Attorney-General.

Delete the word “four” appearing in paragraph (f) and substitute therefor the word “two.”

Insert the following new paragraphs immediately after paragraph (h)—

(i) the Chief Executive Officer of the Commission for University Education; and

(j) a person nominated by the Kenya Private Sector Alliance.
<table>
<thead>
<tr>
<th>Section</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>s. 4(8)</td>
<td>Delete the expression &quot;(5)(g), (h) and (i)&quot;, and substitute therefor the expression &quot;(5)(g) and (j)&quot;.</td>
</tr>
</tbody>
</table>
| s. 8(1) | Insert the following new paragraph immediately after paragraph (d)-
| | (e) administer such professional examinations as may be prescribed under section 13 of the Advocates Act. |
| S.2(1) | Insert the words "decision making" immediately after the word "government's" in the definition of the word "intelligence". |
| S.4(3) | Delete the words "National Security". |
| S.5(1) | Delete the words "to provide a confidential security report" appearing in paragraph (g) and substitute therefor the words "Security Vetting". |
| S.16(1) | Delete the word "Council" and substitute therefor the expression "Director-General". |
| S.23(1) | Delete the word "Council" and substitute therefor the expression "Director-General". |
| S.36(1) | Insert the words "who is subject to investigation by the service or" immediately after the word "person". |
| S.36(2) | Delete. |
| S.64(1) | Delete the word "and" appearing at the end of paragraph (d) and insert the following new paragraph- |
(dd) Secretary to the Cabinet, and”.

S.64(4) Delete subsection and substitute therefor the following new subsection-

(4) The functions of the Council shall be-

(a) to advise the Service generally on all matters pertaining to-

(i) national intelligence policies and strategies;

(ii) the administration of the Service;

(iii) the expenditure of the Service; and

(b) to perform such other functions as are conferred on it by this Act or by any other written law.

S.78 Delete the marginal note and substitute therefor the following-

“Regulations by Director-General”. 
S.78(1) Delete the word “Council” and substitute therefor for the expression “Director-General”.

S.79 Delete the Word “Council” appearing in the marginal note and substitute therefor the expression “Director-General”.

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The Kenya National Examination Council Act, 2012 (No. 29 of 2012)

The Universities Act, 2012 (No.42 of 2012).

s.4 Insert the following new paragraph immediately after paragraph (b)-

(bb) the Principal Secretary to the National Treasury or his representative.

s.2 Delete the expression “section 19” appearing in the definition of the word “Charter” and substitute therefor the expression “sections 19, 24 or 25”.

Insert the following definitions in their proper alphabetical sequence-

“technical university” means an institute of a university, established in accordance with section 25 of this Act.

“university campus” means a extension of a university set up by the university pursuant to its statutes and established in accordance with section 20 of this Act.

“quality assurance” means the employment of various measures and mechanisms developed by a university
to assess and maintain certain standards and values in its activities.

s.5(3) Delete the words "save as may be provided under any other written law".

s.12(1) Insert the words "and any person employment under this section shall be deemed to be a public officer within the meaning of the Constitution" at the end of the subsection.

s.13(3) Delete the words "core courses" appearing in paragraph (h) and substitute therefor the word "programmes".

s.15 Delete the words "Interim Letter of Authority" and substitute therefor the words "Letter of Interim Authority".

s.15(2) Delete the words "programme or" appearing in paragraph (d) and substitute therefor the word "academic".

s.20(1) Delete the word "constituent" appearing in paragraph (d).

s.20(2) Delete the word "constituent".

Insert the following new subsection immediately after subsection (2)-

(3) The Cabinet Secretary may, in consultation with the Commission, by order published in the Gazette, establish or declare an institution of learning or higher education or other training
establishment to be a constituent college of a university.

s.25(2) Delete the expression “2012” and substitute therefor the expression “2013”.

s.35(1) Delete subparagraph (a)(v) and substitute therefor the following new subparagraph-

(v) in the case of public universities, recommend the appointment of the Vice-Chancellors, and principals and deputy principals of constituent colleges to the Cabinet Secretary after a competitive process.

s. 36 (1) Insert the words “or, in the case of a constituent college, the Principal of such college” immediately after the expression “Vice-Chancellor” appearing in paragraph (e).

Insert the following new subsection immediately after subsection (1)-

(1A) Notwithstanding subsection (1) the Vice-Chancellor of a public university shall be an ex-officio member of the councils of the constituent colleges of that university.

s.38 Insert the following new subsection immediately after subsection (4)-
(5) The functions of the Chancellor under subsection (3) may in the absence or incapacity of the Chancellor be performed by the Chairperson of the Council.

s.55(3) Insert the following new paragraph immediately after paragraph (j)-

(k) the chief executive officer of the Higher Education Loans Board.

s.66 Insert the word “under” immediately after the words “person acting”.

s.70(2) Insert the following new paragraphs immediately after paragraph (h)-

(g) procedure for approval of academic programmes by the Commission;

(h) procedure for recognizing and equating degrees, diplomas and certificates conferred by foreign universities;

(i) criteria for evaluating internal tools developed by universities for the purpose of assessing quality assurance;

(j) procedures for appointment of Deputy Vice-Chancellors and principals of public universities;

s.83(1) Insert the words “without further conveyance, transfer or assignment” immediately after the words “the Commission” appearing in paragraph (a).
s.84(1) Insert the word “term” immediately after the words “remainder of their”.

First Schedule Delete the word “Board” wherever it appears in paragraphs 1-8 and substitute therefor the word “Commission”.

Delete paragraph 4 and substitute therefor the following –

4. The quorum for a meeting of the Commission shall be five members, who shall include three appointed members.


s.2(1) Delete the definition of “Cabinet Secretary” and substitute therefor the following new definition-

“Cabinet Secretary” means the Cabinet Secretary responsible for the time being responsible for matters relating to foreign affairs.

The Office of the Director of Public Prosecutions Act, 2013 (No. 2 of 2013).

s.2(1) Delete the words “extradition proceedings and” appearing in the definition of the word “prosecution”.


s.6 (1) Insert the following paragraph immediately after paragraph (a) –

(aa) the Principal Secretary responsible for foreign affairs.

s.26 Insert at the end thereof the words “upon consultation with the Cabinet Secretary responsible for foreign affairs”.

s.84(1) Insert the word “term” immediately after the words “remainder of their”.

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s.6 (1) Insert the following paragraph immediately after paragraph (a) –

(aa) the Principal Secretary responsible for foreign affairs.

s.26 Insert at the end thereof the words “upon consultation with the Cabinet Secretary responsible for foreign affairs”. 
s.27 Insert the words "and the Cabinet Secretary for foreign affairs" immediately after the word "Board".

s.28 Delete.

s.29 Delete.

s.30 Delete.

s.2 The National Honours Act, 2013 (No. 11 of 2013).

Renumber the existing provision as subsection (1) and add the following new subsection-

(2) For the avoidance of doubt, the provisions of this Act shall be construed without prejudice to the powers of the President under Article 132(4)(c) of the Constitution to confer honours in the name of the people and the Republic.

s.15 Renumber the existing provision as subsection (1) and add the following new subsection-

(2) Notwithstanding any other provision of this Act, until the Regulations contemplated by section 14 are made, the President may confer national honours of the types, categories or classes existing prior to commencement of this Act and the procedures applicable to such conferment shall continue to apply.
Delete the words “planning and national development” appearing in the definition of “Cabinet Secretary” and substitute therefor the words “public benefits organisations”.

Delete the expression “international non-governmental organisation” and substitute therefor the expression "international public benefits organisation”.

Insert the following new definition in proper alphabetical sequence-

“governing body” means the governing body of a public benefits organisation.

Insert the following new section immediately after section 7-

Designation of public Benefits Organisation.

7A (1) An organisation registered under any other law in Kenya or outside Kenya may apply to the Authority to be bestowed with the status of a public benefits organisation.

(2) An application under subsection (1) shall be accompanied by the following particulars in relation to the applying organisation-

(a) the certificate of registration;
The address of the registered office;

(c) the documents governing the operations of the organisation;

(d) the names and the physical and postal addresses of the members of the governing body;

and

(e) such other particulars or information as may be required by the Authority.

s.8(1) Delete the words “constitutive documents” appearing in paragraph (a) and substitute therefor the word “Constitution”.

s.8(3) Insert the following new subparagraph in paragraph (d) immediately after subparagraph (iii)-

(iv) the name, address and other contact information of the organisations seeking to operate under section 11(2)(a).

s.8(8) Delete the expression “sixty days” and substitute therefor the expression “thirty days”.

s.10(2) Delete the words "a certificate of registration shall be a" and substitute therefor the words "an entry in the register shall be".

s.10(4) Delete paragraph (b).

New Insert the following section immediately after section 10-

10A. The Authority may from time to time impose terms and conditions for the grant of certificates of registration, permits of operation and public benefits organisation status.

s.11(2) Delete all the words appearing in paragraph (a) immediately before the word "grant".

s.12 Delete the words "presumption of" appearing in the marginal note and substitute therefor the word "delayed".

s.13 Delete the expression "(1)".

Delete the words "the certificate of registration" and substitute therefor the words "An entry into the register".

s.15(6) Delete the words "deregistered voluntarily" appearing in paragraph (c).

s.19(1) Insert the words "or a permit to operate, or revoke public benefit organisation status" immediately after the word "registration".
s.19(3) Insert the words “permit to operate or public benefit organisation status” immediately after the word “registration”.

s.21(1) Insert the word “recognised” immediately after the word “registration”.

s.21(2) Insert the word “recognised” immediately after the word “registered”.

s.21(8) Delete the expression “five years” and substitute therefor the expression “three years”.

s.21(12) Delete the words “to in subsection” appearing immediately after the word “referred”.

s.22 Delete the expression “35(1) (h) and (i) and substitute therefor the expression “35(1)(i)”.

New Insert the following new section-

**Funding**

27A. (1) Any funding of a public benefit organization shall be made through the federation and not by an individual member organization.

(2) A public benefit organisation shall not receive more than fifteen percent of its total funding from external donors.
(3) Notwithstanding subsection (2) the Cabinet Secretary responsible for finance may approve receipt of an amount of more than fifteen percent where there are legitimate and compelling reasons for increasing the amount.

(4) For purposes of funding by the Government, the Cabinet Secretary responsible for finance made regulations to provide for funding by the Government.

(5) The Regulations made under this section shall conform to the laws relating to public financial management and shall establish percentage ceilings of funding to public Benefits Organizations by overseas development assistance.

(6) The Council shall by Regulations come up with facilitative mechanisms on funding of the public benefits organization.

s.31 Delete the words “six months” and substitute therefor the words “three months”.

s.33 Renumber the existing provision as subsection (1) and insert the following new subsection-
(2) The provisions of subsection (1) shall not relieve the public benefits organisation of the liability to pay any compensation for any injury to the person, the person’s property or to any of the person’s interest caused by the exercise of any power conferred by this Act or by failure, whether wholly or partially, of any works.

s.35(1) Delete the expression “Cabinet Secretary” appearing in paragraph (a) and substitute therefor the expression “President”.

Delete the word “three” appearing in paragraph (b) and substitute therefor the word “two”.

Delete paragraph (h).

Delete paragraph (g) and substitute therefor the following-

(g) the Principal Secretary responsible for matters relating to internal security.

Delete paragraph (h).

Delete paragraph (i) and substitute therefor the following new paragraph-

(i) three members of the federation, at least one of whom shall be of opposite gender, nominated by the members of
the governing board of the Federation and appointed by the Cabinet Secretary.

Delete paragraph (j) and insert the following new paragraph-

(j) the Director-General.

s.35(3) Delete the word "ten" and substitute therefor the word "five".

s.35(7) Delete.

s.36(1) Insert the words "the governing body of" immediately after the words "membership in" appearing in paragraph (e).

s.38 Delete the words "make and subscribe to a prescribed" and substitute therefor the words "take an".

s.42

s.45(1) Delete and substitute therefor the following new subsection-

(1) There shall be a Director-General of the Authority who shall be appointed by the Cabinet Secretary.

Insert the expression "-General" immediately after the word "Director" wherever it appears in subsection (1) – (8).

s.45(6) Delete the word "Board" and substitute therefor the expression "Cabinet Secretary".
s.45(8) Delete and substitute therefor the following new subsection-

(8) The Director-General shall be removed from office by the Cabinet Secretary if the question of such removal has been so recommended by the Board by not less than two-thirds of all its members.

s.46(1) Delete and substitute therefor the following new subsection-

(1) The Board shall appoint such Directors as are necessary for the proper discharge of the functions of the Authority under this Act, upon such terms and conditions of service as it may determine.

s.61(1) Delete the word “deregister” appearing in the introductory portion.

Delete the word “register” appearing in subparagraph (a)(i).

Delete the word “deregistration” appearing in subparagraph (a)(ii) and substitute therefor the word “dissolution”.

s.61(3) Delete the words “deregistration or” appearing in the introductory portion.

s.61(4) Delete the word “deregistered” wherever it appears.

s.68 Delete the words appearing immediately after paragraph (c) and substitute therefor the following-
"apply in writing to the
Authority for consideration and
recommendation".

Third
Schedule
Para 1
Insert the words "chairperson and"
immediately before the word
"members".

Para 2
Delete the words "Permanent Secretary
of the Ministry for the time being
responsible for planning and national
development" and substitute therefor
the words "Principal Secretary
responsible for matters relating to
public benefits organisations.

Para 4
Delete and substitute therefor the
following-

4. The Cabinet Secretary shall,
within seven days of the expiry
of the period prescribed under
paragraph 1, consider
applications and shortlist five
names of persons qualified for
appointment as members of the
Board in accordance with
section 35(1)(b) and (h), and
two names of persons qualified
for appointment as chairperson
of the Board in accordance with
section 35(1)(a).

Para 7
Delete the words "the names of six
nominees for appointment as members
of the Board" and substitute therefor
the words "or reject any of the
nominees for appointment as members
and chairperson of the Board as
provided in paragraph 4".
Delete the word “submission” and substitute therefor the word “resubmission”.

Insert the following new paragraph at the end thereof:

12. Upon receipt of the name of the nominee for chairperson the President shall appoint the person so nominated by notice in the Gazette.

Fourth Schedule.
Para 1(5) Delete the words “or in his absence the chairperson”.

Fifth schedule
Para 2(3) Delete the word “Commission” and substitute therefor the word “Board”.

Para 6 Delete subparagraphs (1) and (2).

Para 9 Delete.


s.8(1) Delete the expression “Attorney-General” appearing in paragraph (d) and substitute therefor the expression “Director of Public Prosecution”

Delete the expression “Cabinet Secretary” appearing in paragraph (e) and substitute therefor the expression “Chief Justice”.

s. 8(4) Delete the expression “(1)(c) and (d)” and substitute therefor the expression (1)(d) and (e)”
<table>
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<tbody>
<tr>
<td>s.12</td>
<td>Delete the word &quot;shall&quot; and substitute therefor the word &quot;may&quot;.</td>
</tr>
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</table>
| The Civil Aviation Act, 2013 (No.21 of 2013). | s.2 | Insert the following new definitions in their proper alphabetical sequence -
| | | "chief investigator" means the chief investigator appointed under section 53;
| | | "investigator-in-charge" means the investigator appointed by the chief investigator on the basis of his or her experience and charged with the responsibility for the organisation, conduct and control of an investigation into a specific accident or incident;
| | | "safety recommendation" means a proposal of the chief investigator or the investigator-in-charge, based on information derived from an investigation or other sources, made with the intention of preventing accidents or incidents and not to apportion blame or liability;
| s.7(1)(g) | Delete the words "investigator-in-charge" and substitute therefor the words "chief investigator". |
| s.52(b) | Insert the word "sole" immediately before the word "purpose". |
| 53(1)   | Delete the words "an investigator-in-charge" and substitute therefor the words "chief investigator". |
| 53(2)   | Delete subsection (2) and substitute therefor the following new subsection – |
(3) The investigation of an accident or incident under this Act shall be conducted to determine the facts, conditions, circumstances and safety factors, and where possible the probable cause of the accident, with the sole objective of prevention of future accidents and incidents and not to apportion blame or liability.

54(1) Insert the words "the chief investigator" immediately after the word "Kenya".

54(3) Delete the words "person in charge of investigation" and substitute therefor the words "investigator-in-charge".

54 Insert the following new subsection immediately after subsection (3) –

(3A) No part of the final report referred to under subsection (3) shall be admissible as evidence in a court of law or used in any suit or action for damages arising out of any matter mentioned in such reports.

54(4) Delete the words "person in charge of investigation" and substitute therefor the words the "investigator-in-charge".

54(7) Delete the words "investigator-in-charge" wherever they appear and substitute therefor the words "chief investigator"; and
The words “person in charge of investigation” and substitute therefor the words “investigator-in-charge”.

Delete the words “investigator-in-charge” wherever they appear and substitute therefor the words “chief investigator”.

Delete the expression “Secretary” and substitute therefor the expression “Director-General”.

Insert the following definition in proper alphabetical sequence-

“Director-General” means the “Director-General of the commission appointed under section 8”.

Delete the expression “Secretary” and substitute therefor the expression “Director-General”.

Delete the words “Secretary to” and substitute therefor the words “Director-General”.

Delete the words “a Commission Secretary” and substitute therefor the term “Director-General”.

Delete the word “Secretary” and substitute therefor the expression “Director-General”.

Delete the expression “Secretary” and
substitute therefor the expression "Director-General".

s.12(2) Delete the word “under” and substitute therefore the word “within”.

Insert the word “an academic” immediately after the words “research institution”.

s.25(1) Insert the word “products” immediately after the word “processes”.

s.41 Delete the expression “Commission Secretary” and substitute therefor the expression “Director-General”.

The Technical and Vocational Education Act, 2013 (No. 29 of 2013).

s.2 Delete the definition of the expression “teacher trainer College”

Insert the following new definition in proper alphabetical sequence-

“technical trainer college” means an institution offering technical teachers training at higher diploma level.

s.7 Insert the following new subsection immediately after subsection (2)-

(3) For the avoidance of doubt, the Authority shall be the sole body with the powers to perform the functions set out in this section.

s.9(3) Delete the word “doctorate” appearing in paragraph (a) and substitute therefor the word “Masters”.
s.26(1) Delete the word “teacher” appearing in paragraph (b) and substitute therefor the word “technical”.

Renumber the paragraph appearing immediately before paragraph (a) as paragraph (a) and renumber the rest of the paragraphs consecutively.

s.28(1) Delete paragraph (d) and substitute therefor the following new paragraph-

(d) Councils for technical trainer colleges.

s.46 Renumber the subsections appearing immediately after subsection (6) as subsections (7) and (8) respectively.

Second Schedule Para 21 Delete the expression “TIVET” and substitute therefor the expression “TVET”.

“TVET”.
MEMORANDUM OF OBJECTS AND REASONS

The legislative proposal giving rise to this Bill has been submitted by the Attorney-General. This Statute Law Miscellaneous Amendments) Bill, 2013 is in keeping with the practice of taking minor amendments which do not merit the publication of separate Bill and consolidating them into one Bill.

The Bill contains proposed amendments to the following laws-

The Interpretation and General Provisions Act, (Cap. 2)

The Bill proposes to amend the Interpretation and General Provisions Act to introduce the designation of “Cabinet Secretary”.

The proposal can be taken care of under section 47 of the Act, which empowers the President to issue a Gazette notice when a change occurs in the title of a public officer. The section provides that upon the issuance of such a notice all the laws containing such a reference shall be deemed to have been amended to reflect the new title.

The Advocates Act (Cap. 16)

The Bill proposes to amend the Advocates Act to remove the Director of Public Prosecutions from membership of the Disciplinary Tribunal in order to avoid potential conflict of interest.

The Criminal Procedure Code (Cap. 75)

The Bill proposes to amend the Criminal Procedure Code to prescribe circumstances in which a court may decline to grant bail to an accused person.

The Prisons Act (Cap. 90)

The Bill proposes to amend the Prisons Act to remove the provisions relating to the Board of Reviews from the Act, in keeping with the constitution and the Power of Mercy Act, 2011 pursuant to which the Power of Mercy Advisory Committee was established.
The Mohammedan Marriage and Divorce Registration Act (Cap. 155)

The Bill proposes to amend the Mohammedan Marriage and Divorce Registration Act to correct the reference to the Islamic religion from “Mohammedan” to “Muslim”.

The Mohammedan Marriage, Divorce and Succession Act (Cap. 156)

The Bill proposes to amend the Mohammedan Marriage, Divorce and Succession Act to correct the reference to the Islamic religion from “Mohammedan” to “Muslim”.

The Kenya Ports Authority Act (Cap. 391)

The Bill proposes to amend the Kenya Ports Authority Act to extend the application of the Act to inland waterway ports.

The Kenya Airports Authority Act (Cap. 395)

The Bill proposes to amend the Kenya Airports authority Act to increase the number of independent Board members from two to five.

The Air Passenger Service Charge Act (Cap. 475)

The Bill proposes to amend the Air Passenger Service Charge Act to increase the charge payable for internal journeys from two hundred shillings to five hundred shillings, and to provide for the apportionment of the charge collected for external journeys under the Act between the Kenya Airports Authority and the Kenya Civil Aviation Authority.


The Bill proposes to amend the Postal Corporation of Kenya Act to expand the functions of the corporation to include mobile e-money, and other electronic money services. It also seeks to make the corporation secretary a signatory for purposes of authenticating the seal of the corporation.
The National Hospital Insurance Fund Act, 1998 (No. 9 of 1998)

The Bill proposes to amend the National Hospital Insurance Fund Act to harmonise the provisions on the appointment of the Board and the chief executive officer.

The Copyright Act, 2001 (No. 12 of 2001)

The Bill proposes to amend the Copyright Act to empower the competent authority to grant a compulsory licence for the publication or republication or broadcasting of works which are subject to copyright where it considers that the right holder withholds consent unreasonably. It also restricts the imposition of a tariff or levying of royalties unless approved by the Cabinet Secretary.

The Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003)

The Bill proposes to amend the Anti-Corruption and Economic Crimes Act, 2003, to replace the term “Director” with “Secretary” as the chief executive of the Commission in keeping with the Ethics and Anti-Corruption Act, 2011.

The Public Officer Ethics Act, 2003 (No. 4 of 2003)

The Bill proposes to amend the Public Officer Ethics Act, 2003 to bring in the Ethics and Anti-Corruption Commission as one of the authorities to which a responsible Commission may refer matters arising under the Act.

The Employment Act 2007 (No. 17 of 2007)

The Bill proposes to amend the employment Act to prohibit discrimination on grounds of marital status.

The Anti-Counterfeit Act, 2008 (No. 13 of 2008)

The Bill proposes to amend the Anti-Counterfeit Act to provide for the establishment of the Board to manage the Anti-Counterfeit Agency.

It also establishes an Intellectual Property Enforcement and Co-ordination Advisory Committee.
It also introduces a new provision empowering the Executive Director to compound offences committed under the Act.

The Merchant Shipping Act 2009 (No. 4 of 2009)

The Bill proposes to amend the Merchant Shipping Act to correct some definitions, and to refer to the Armed Forces as the Kenya Defence Forces. It also seeks to incorporate Maritime conventions within the Act, and to recognize the replacement of the Attorney-General as Public Prosecutor by the Director of Public Prosecutions.

The National Youth Council Act 2009 (No. 10 of 2009)

The Bill proposes to amend the National Youth Council Act to streamline the membership of the Youth Advisory Board and further clarify its functions.

The Vetting of Judges and Magistrates Act, 2011 (No. 2 of 2011)

The Bill proposes to amend the Vetting of Judges and Magistrates Act to make provision regarding the review of the decision of the Board, and to extend the timelines for the vetting exercise.

The Independent Offices Appointment Act, 2011 (No. 8 of 2011)

The Bill proposes to amend the Independent Offices Appointment Act, 2011 to provide for the appointment of the next senior-most person within the office to perform the functions of the office holder in the event of a vacancy therein until the appointment of a substantive holder of the office.

Such an appointment shall only be for a period of sixty days unless extended by the National Assembly.

The Salaries and Remuneration Commission Act, 2011 (No. 10 of 2011)

The Bill proposes to amend the salaries and Remuneration Act, 2011, to provide for full-time membership of the Commission by the chairperson and members appointed under Article 230(2)(b) of the Constitution.
It also seeks to ease the process of appointment of the Secretary to the Commission.

The Political Parties Act, 2011 (No. 11 of 2011)

The Bill proposes to amend the Political Parties Act to harmonize the provisions relating to the appointment of the Registrar and Assistant Registrar of Political Parties.

The National Police Service Act, 2011 (No. 11A of 2011)

The Bill proposes to amend the National Police Service Act, 2011 to delete the provision in section 14(b) requiring that the appointment of the Inspector-General of Police and the Deputy Inspectors-General of Police should take account of gender parity.

The Industrial Court Act, 2011 (No. 20 of 2011)

The Bill proposes to amend the Industrial Court Act to rename the court as the Labour Relations Court and to designate the Principal Judge of the Court as “Presiding Judge”. It also seeks to clarify the appellate jurisdiction of the court.

The Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011)

The Bill proposes to amend the Ethics and Anti-Corruption Act to empower the Commission to co-operate with foreign governments or international or regional organisations in the performance of its functions.

The Tourism Act, 2011 (No. 28 of 2011)

The Bill proposes to amend the Tourism Act to ease the process of making appointment under the Act in order to ensure that the functions of the Ministry are performed without undue delay.

The Veterinary Surgeons and Veterinary Para-professionals Act, 2011 (No 29 of 2011)

The Bill proposes to amend the Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 so as to give recognition to public health
officers licensed under the Public Health Officers (Training, Registration and Licensing) Act, 2012.

**The Public Appointments (Parliamentary Approval) Act, 2011 No 33 of 2011**

The Bill proposes to amend the Public Appointments (Parliamentary Approval) Act, 2011 so as to enable a House of Parliament to extend by up to a maximum of fourteen days the period of approval of a public appointment pending before the House.

**The Land Registration Act 2012, (No. 3 of 2012)**

The Bill proposes to amend the Land Registration Act, 2012 to effect the repeal of the Land Control Act (Cap. 302).

**The National Land Commission Act, 2012 (No. 5 of 2012)**

The Bill proposes to amend the National Land Commission Act to provide for the authentication of the common seal of the Commission.

**The Kenya School of Government Act, 2012 (No. 9 of 2012)**

The Bill proposes to amend the Kenya School of government Act to further expand the functions of the school with respect to reforming the public service, and also to clarify the functions of the Director-General.

It also seeks to provide for attendance at meetings of the Council by the appointed members or their alternates.

**The Public Financial Management Act, 2012 (No. 18 of 2012)**

The Bill proposes to amend the Public Financial Management Act, 2012 to require parliamentary approval prior to the declaration of a county corporation or other body to be a county government entity.

**The Leadership and Integrity Act, 2012 (No. 19 of 2012)**

The Bill proposes to amend the Leadership and Integrity Act to include the Attorney-General as a Cabinet Secretary for purposes of the Act. It also imposes a requirement for self-declaration by all persons wishing to be
appointed to State Office. It provides for the submission by the Independent and Electoral Boundaries Commission of self-declaration forms to the Ethics and Anti-Corruption Commission for verification. It also empowers the EACC to investigate suspected breaches of the Code of Ethics on its own initiative.

It also proposes to subject state officers to the prohibition against engaging in public collections.

**The National Security Council Act, 2012 (No. 23 of 2012)**

The Bill proposes to amend the National Security Council Act to specify that the Secretary to the Cabinet shall be the Secretary to the Council.

**The Kenya Defence Forces Act, 2012 (No. 25 of 2012)**

The Bill proposes to amend the Kenya Defence Forces Act, 2012 to clarify that the offences under the Act shall be tried by Courts Martial and to make other minor amendments.

**The Kenya School of Law Act, 2012 (No. 26 of 2012)**

The Bill proposes to amend the Kenya School of Law Act to empower the school to borrow money and charge property. It also seeks to clarify the qualifications for admission into the school and clarifies that the school will conduct the examinations other than professional examinations prescribed under the Advocates Act.

**The Legal Education Act, 2012 (No. 27 of 2012)**

The Bill proposes to amend the Legal Education Act to make it possible for a legal Practitioner not previously involved in Legal education training to be appointed as Chairperson of the council of Legal Education. It also seeks to expand the membership of the Council by including the commission for Higher Education and the Kenya Sector Alliance. It also provides that the Council for Legal Education will administer the professional examinations prescribed under the Advocates Act.
The National Intelligence Service Act, 2012 (No. 28 of 2012)

The Bill proposes to amend the National Intelligence Service Act 2012, to clarify the role of the Service and the functions of the Director-General. It also provides for powers of the Service in light of the right to privacy of a person who is under investigation by it or is suspected of having committed an offence. It also proposes the membership of the Secretary to the Cabinet in the National Intelligence Service Council, and elaborates on the functions of the functions of the Council.

The enactment of this Bill shall not occasion additional expenditure of public funds.

The Kenya National Examinations Council Act, 2013 (No. 5 of 2013)

The Bill proposes to amend the Kenya National Examinations Council Act to include the Principal Secretary to the Treasury as a member of the Council.

The Universities Act, 2012 (No. 43 of 2012)

The Bill proposes to amend the Universities Act to correct various errors in the Act. It also seeks to empower the Cabinet Secretary to declare constituent colleges of the Universities.

It also provides for the functions of the Chancellor to be performed by the Chairman of the University Council during the incapacity of the Chancellor.

The Treaty Making and Ratification Act, 2012 (No. 45 of 2012)

The Bill proposes to amend the Treaty Making and Ratification Act to clarify the definition of "Cabinet Secretary".

The Office of the Director of Public Prosecution Act, 2013 (No. 2 of 2013)

The Bill proposes to amend the Office of the Director of Public Prosecution Act by removing the management of extradition proceedings from the purview of the functions of that office.
The National Honours Act, 2013 (No. 11 of 2013)

The Bill proposes to amend the National Honour Act to make transitional provisions for the award of national honours pending the full operationalisation of the Act.

The Kenya National Commission for UNESCO Act, 2013 (No. 5 of 2013)

The Bill proposes to amend the Kenya National Commission for UNESCO Act to include the Principal Secretary in the Ministry of Foreign Affairs in the membership of the Commission. It also provides for consultation with the Cabinet Secretary for Foreign Affairs in the appointment of an Ambassador to head the Kenya UNESCO office and also in the appointment of the staff, and delete the provisions relating to the Kenya Paris and Commonwealth London offices.

The Public Benefits Organisation Act, 2013 (No. 18 of 2013)

The Bill proposes to amend the Public Benefits Organisation Act to harmonise the provisions of the Act and to make other minor amendments.

The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)

The Act proposes to amend the Kenya Law Reform Commission Act to clarify the provisions on the appointment of the members of the Commission and to provide for part-time Commissioners.

The Civil Aviation Act, 2013 (No.21 of 2013)

The Bill proposes to amend the Civil Aviation Act to introduce new designations for the officers appointed under the Act.

It also sets out additional matters to be considered during an investigation into an air accident. It also cautions that a final report by an aircraft accident investigator should not be used in court in suits or actions for damages.
The Science, Technology and Innovation Act, 2013 (No. 28 of 2013)

The Bill proposes to amend the Science, Technology and Innovation Act to correct the designations used in the Act and to make other minor amendments.

The Technical and Vocational Education Act, 2013 (No. 29 of 2013)

The Bill proposes to amend the Technical and Vocational Education Act, to give sole powers to the Authority to perform the functions related to technical and vocational education under the Act.

This Bill is not a Bill concerning county government for purposes of Article 110 of the Constitution.

The enactment of this Act shall not occasion, any additional expenditure of public finds.

Dated the 28th October, 2013.

ADEN DUALE,
Leader of the Majority Party.
Section 3(1) of Cap. 2 which it is proposed to delete and substitute –

"Minister" means a person appointed as a Minister of the Government of Kenya under the Constitute, or the President, the Vice-President or the Attorney-General;

"the Minister" means the Minister for the time being responsible for the matter in question, or the President where executive authority for the matter in question is retained by him, or the Attorney-General where executive authority for the matter in question has been conferred on him;

Section 57(1)(aa) Cap.16 which it is proposed to delete –

(aa) the Director of Public Prosecutions;

Section 46 and 48 Cap. 90 which it is proposed to delete –

46.(1) Convicted criminal prisoners sentenced to imprisonment, whether by one sentence or consecutive sentences, for a period exceeding one month, may by industry and good conduct earn a remission of one-third of their sentence or sentences.

Provided that in no case shall –

(i) Any remission granted result in the release of a prisoner until he has served one calendar month;

(ii) Any remission be granted to a prisoner sentenced to imprisonment for life or for an offence under section 296(1) of the Penal Code or to be detained during the President’s pleasure.

(2) For the purpose of giving effect to the provisions of subsection (1) of this section, each prisoner on admission shall be credited with the full amount or remission to which he would be entitled at the end of his sentence if he lost no remission of sentence.
(3) A prisoner may lose remission as a result of its forfeiture for an offence against prison discipline, and shall not earn any remission in respect of any period—

(a) spent in hospital through his own fault or while malingering; or

(b) while undergoing confinement as a punishment in a separate cell.

(3A) A prisoner may be deprived of remission—

(a) where the Commissioner considers that it is in the interests of the reformation and rehabilitation of the prisoner;

(b) where the Minister for the time being responsible for internal security considers that it is in the interests of public security or public order.

(4) Notwithstanding the provisions of subsection (1) of this section, on the recommendation of the Commissioner, the Minister may grant a further remission on the grounds of exceptional merit, permanent ill-health or other special grounds.

(5) The Minister shall have power to restore forfeited remission in whole or in part.

Board of Review.

48.(1) The President shall appoint a Board of Review, which shall at prescribed intervals, or at such lesser intervals as circumstances may require, review the sentences of all prisoners serving sentences of or exceeding seven years, including prisoners sentenced to imprisonment for life or to be detained during the President’s pleasure, and in each case shall tender advice to the President on the exercise of the prerogative of mercy.

(2) The Commissioner shall submit each month to the Board of Review a report on the general condition and conduct of every prisoner referred to in subsection (1) of this section who has during the previous month completed such period of his sentence as may be prescribed.
Section 1 of Cap. 155 which it is proposed to amend —

Short Title.
1. This Act may be cited as the Mohammedan Marriage and Divorce Registration Act.

Section 1 of Cap. 156 Which it is proposed to amend —

Long title.
1. This Act may be cited as the Mohammedan Marriage, Divorce and Succession Act.

Section 2(3) of Cap. 391 which it is proposed to amend —

(1) This Act shall not apply to inland waterways ports run by the Kenya Railways Corporation.

Section 5(1) of Cap. 395 which it is proposed to amend —

(f) not more than two other members not being public officers or employees of the Authority, to be appointed by the Minister by virtue of their knowledge of civil aviation, aerodromes management and operation or of commerce, industry, finance or administration generally.

Section 3(1) of Cap. 475 which it is proposed to amend —

(b) two hundred shillings for an internal journey.

Section s.11 of Cap. 475 which it is proposed to amend —

(2A) The chairperson shall be appointed by the President through a transparent and competitive process and with the approval of Parliament, and shall hold office for a term of four years but shall be eligible for reappointment for one further term.

Sections 5(a)(ii) of No. 2 of 1998 which it is proposed to amend —

(ii) Postal financial services, and perform incidental services relating to the issuing, receiving and paying of money and postal orders, postal drafts cheques, postal travellers' cheques, giro, cash-ondelivery,
collection of bills, saving service and registration for delivery of newspapers and periodicals;

Sections 4(1) and 10(1) of Act No. 9 of 1998 which it is proposed to amend

4.1(b) the Permanent Secretary in the Ministry for the time being responsible for matters relating to Health or his representative;

(a) the Permanent Secretary to the Treasury or his representative;

(b) the Permanent Secretary/Director of Personnel Management or his representative; the Director of Medical Services;

(c) one person nominated by the Federation of Kenya employees; one person nominated by the Central Organization of Trade Unions;

(d) One person nominated by the Kenya national Union of Teachers;

(e) one person nominated by the Kenya National Farmers Union;

(f) two members appointed by the Minister as follows-

(i) one person nominated by the Association of Kenya Insurers;

(i) one person nominated by non-profit making health-care providers;

(g) the chairman of the Kenya Medical Association; and

(h) one member representing non-governmental organizations involved in the provision of health care services, nominated by the Non-Governmental Organization Council established under the Non-Governmental Organization Co-ordination Act, 1990 (No 19 of 1990).
(2) for purpose of subsection (1) “non-profit making health-care providers” means hospitals managed on a charitable basis by religious organizations.

The Chief Executive Officer.

(1) there shall be a Chief Executive Officer of the Board who shall be appointed by the Minister and who shall, subject to the directions of the Board, be responsible for the day to day management of the Fund and who shall be the Secretary of the Board.

Section 28(5) of No. 12 of 2001 which it is proposed to amend

(2) All claims for compensation under this section shall be made through an organization representative of producers of sound recordings.

No. 3 of 2003

Sections 21 of Act No. 22 of 2011, 19, 21, 22, 23, 24, 26, 27(1) 32 and 36(1) of No. 3 of 2008 which it is proposed to amend

“Director” means the Director of the Commission;

Committees of the Board.

19.(1) For the better performance of its functions, the Advisory Board may establish committees in respect of the investigative, preventive and educational functions of the Commission or in respect of any other matter.

(2) The Advisory Board may delegate any of its powers and functions to any such committee, subject to subsection (3).

(3) The Advisory Board may not delegate the power or function to do any of the following –

(a) recommend a person to be appointed as Director or Assistant Director; Chairman and Vice-chairman.

(b) appoint a person to be an acting Assistant Director or revoke such an appointment;
(c) recommend the termination of a person's appointment as the Director or an Assistant Director;
(d) request the appointment of a Tribunal under paragraph 5(4) of the First Schedule

21. The Director shall be the secretary of the Advisory Board.

PART IV – INVESTIGATIONS

23.(1) The Director or a person authorized by the Director may conduct an investigation on behalf of the Commission.

(2) Except as otherwise provided by this Part the powers conferred on the Commission by this Part may be exercised, for the purposes of an investigation, by the Director or an investigator.

(3) For the purposes of an investigation, the Director and an investigator shall have the powers, privileges and immunities of a police officer in addition to any other powers the Director or investigator has under this Part.

(4) The provisions of the Criminal Procedure Code, the Evidence Act, the Police Act and any other law conferring on the police the powers, privileges and immunities necessary for the detection, prevention and investigation of offences relating to corruption and economic crime shall, so far as they are not inconsistent with the provisions of this Act or any other law, apply to the Director and an investigator as if reference in those provisions to a police officer included reference to the Director or an investigator.

24.(1) The Commission shall issue identification documentation to an investigator and such identification shall be evidence that the person to whom it is issued is an investigator.

(2) The identification documentation issued by the Commission shall be signed by the Director.

26.(1) If the course of investigation into any offence, the Director is satisfied that it could assist or expedite such
investigation, the Director may, by notice in writing, require a person who, for reasons to be stated in such notice, is reasonably suspected of corruption or economic crime to furnish, within a reasonable time specified in the notice, a written statement in the notice, a written statement in relation to any property specified by the Director and with regard to such specified property -

(a) enumerating the suspected person's property and the times at which it was acquired; and

(b) stating, in relation to any property that was acquired at or about the time of the suspected corruption or economic crime, whether the property was acquired by purchase, gift, inheritance or in some other manner, and what consideration, if any, was given for the property.

(2) A person who neglects or fails to comply with a requirement under this section is guilty of an offence and is liable on conviction to a fine not exceeding three years or to both.

(3) The powers of the Commission under this section may be exercised only by the Director.

27.(1) The Commission may apply ex-parte to the court for an order requiring an associate of a suspected person to provide, within a reasonable time specified in the order, a written statement stating, in relation to any property specified by the Director, whether the property was acquired by purchase, gift, inheritance or in some other manner, and what consideration, if any, was given for the property.

32. Without prejudice to the generality of Arrest of section 23(3), the Director and an investigator shall have power to arrest any person for and charge them with an offence, and to detain them for the purpose of an investigator, to the like extent as a police officer.
Quarterly reports. 36.(1) The Commission shall prepare quarterly reports setting out the number of reports made to the Director of Public Prosecutions under section 35 and such other information relating to those reports as the Commission considers appropriate.

Sections 35(3), 38 and 39 of Act No. 4 of 2003 which it is proposed to amend - Investigations. 35.(3) The Commission may refer a matter to another appropriate body for investigation and that body shall investigate the matter within a reasonable time and submit a report to the Commission on its findings.

Proceedings. 38. If, as a result of an investigation under this Part, the Commission is of the view that civil or criminal proceedings ought to be considered, the Commission shall refer the matter to the Attorney-General or other appropriate authority.

Exceptions. 39. This part (section 35 excepted) does not apply with respect to offices for which the Constitution provides a procedure for removal for misbehavior.

Section 5(3) of Act No. 17 of 2007 which it is proposed to amend

Term of office. 1. (1) The Chairperson and the commissioners shall hold office for term of three years and shall be eligible for re-appointment for one further term of three years.

19.(2) (Section not available in the Act)

Sections and 2 and 6(1) of Act No. 13 of 2008 which it is proposed to amend –

“counterfeiting” means taking the following actions without the authority of the owner of intellectual property right subsisting in Kenya or elsewhere in respect of protected goods –

(a) the manufacture, production, packaging, re-packaging, labeling or making, whether in Kenya or elsewhere, of any goods whereby those protected goods are limited
in such manner and to such a degree that those other goods are identical or substantially similar copies of the protected goods;

(b) the manufacture, production or making, whether in Kenya or elsewhere, the subject matter of that intellectual property, or a colourable imitation thereof so that the goods are calculated to be confused with or be manufactured, produced or man under his licence;

(c) the manufacturing, producing or making of copies, in Kenya or elsewhere, in violation of an author's rights or related rights;

(d) in relation to medicine, the deliberate and fraudulent mislabeling of medicine with respect to identity or source, whether or not such products have correct ingredients, have sufficient active ingredients or have fake packaging;

6.(1) The management of the Agency shall vest in a Board which shall consist of -

(a) a Chairman appointed by the Minister;

(b) the permanent secretary in the Ministry for the time being responsible for matters relating to industrialization or his representative;

(c) the permanent secretary in the Ministry for the time being responsible for matters relating to trade or his representative;

(d) the Permanent Secretary in the Ministry for the time being responsible for matters relating to finance or his representative;

(e) the Attorney-General or his representative;

(ee) the Director of Public Prosecutions;

(f) the Commissioner for Customs Service or his representative;
(g) the Executive Director of Kenya Copyright Board or his representative;

(h) the managing Director of Kenya Industrial Property Institute or his representative;

(i) the Managing Director of the Kenya Plant Health Inspectorate Service or his representative;

(j) the managing director of the Kenya Bureau of Standards or his representative;

(k) the Chief Executive of the Kenya Association of Manufacturers or his representative;

(l) the Executive Director appointed under section 10;

(m) the Registrar, Pharmacy and Poisons Board; of internal Trade or his representative;

(n) one person from the private sector with knowledge in intellectual property rights appointed by the Minister; and

(o) one person from the private sector with knowledge in consumer protection appointed by the Minister;

(2) A person shall not qualify to be appointed as Chairman under subsection (1)(a) unless such person is a holder of a degree in law or science from a recognized institution, and has at least five years working experience in the field of trade, industry or intellectual property rights.

Section 2, 21(1), 91(1), 91(4), (388) and 427 of Act No. 4 of 2009 which it is proposed to amend—

21.(1) having regard to the matters mentioned in section 19(1)(a), (b) or (c), it would be detrimental to the interests of Kenya or of international shipping for a registered ship to continue to be registered;

91.(1) (a) on a signal being made to her from any ship or aircraft belonging to the Armed Forces;
91. (4) Where there are hoisted on board any Kenyan ship, any colours or pendant usually worn by ships of the Defence Force of Kenya or the national colours of any other State, the master of the ship, or the owner thereof if he is on board the ship, and every other person hoisting the pendant or colours, commits an offence and shall be liable upon conviction to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment and to seizure of the colours or pendant by the State.

388. Limitation of liability under this Part shall not apply to the following claims –

(a) claims for salvage under section 338 and corresponding claims under a contract;

427. Prosecutions in respect of offences under this Act may, without prejudice to the provisions of any other law relating to prosecutions, be conducted by any officer appointed under this Act and specially authorized in writing in that behalf by the Attorney-General.

Section 16(22), 16(3) and 17(1) of Act No.10 of 2009 which it is proposed to amend –

16(2)(c) eight youths nominated by the Council and appointed by the Minister;

(d) one person each nominated by each of the following bodies, and appointed by the Minister –

(3) The Joint forum of religious organizations referred to in subsection (2)(d)(iv) shall consist of representatives of –

(a) the Supreme Council of Kenya Muslims;

(b) the Kenya Episcopal Conference;

(c) the National Council of Churches of Kenya; and

(d) the Hindu Council of Kenya.
The Statute Law (Miscellaneous Amendments) Bill, 2013

Functions of the Board.

17.(1) The principal function of the Board is to advise the Council generally on the exercise of its powers and the performance of its functions under this Act.

(2) The Board shall have such other functions as may be conferred on it by or under this Act.

Sections 14(1), 22(1) and 23(1), (2) of Act No. 2 of 2011 which it is proposed to amend –

14.(1) gather relevant information, including requisition of reports, records, documents, or any information from any source, including governmental authorities, and to compel the production of such information as and when necessary.

22.(1) A judge or magistrate who has undergone the vetting process and is dissatisfied with the determination of the Board may request for a review by the same panel within seven days of being informed of the final determination under section 21(1).

23.(2) The Board shall be divided into three panels for purposes of vetting, and the three panels shall vet the judges simultaneously while the Judicial Service Commission shall vet the Magistrates.

(3) The vetting process once commenced shall be concluded not later than the 28th February, 2013, and any review of the decision of the Board or of the Judicial Service Commission shall be heard and concluded within the above specified period.

Section 6(1) of No. 8 of 2011 which it is proposed to amend –

6.(1) An independent office shall become vacant if the holder –

(a) dies;

(b) by a notice in writing addressed to the President, resigns from office; or
(c) is removed from office under any of the circumstances specified in Article 251 or Chapter Six of the Constitution.

Sections 4(3) and 16(1) of No. 10 of 2011 which it is proposed to amend –

4. (3) The chairperson and members shall serve on part-time basis for a non-renewable term of six years.

16.(1) The appointment of the secretary to the Commission under Article 250(12) of the Constitution shall be through a competitive recruitment process and the prior approval of the National Assembly.

Section 34(1) Act No. 11 of 2011 which it is proposed to amend –

34A.(1) The President shall, within a period not later than one hundred and ten days prior to the first general elections under the Constitution, or of the occurrence of a vacancy in the Office of Registrar or Assistant Registrar, and with the approval of the National Assembly, appoint a Selection Committee comprising -

Paragraph 8 of the Seventh Schedule to No.11 of 2011 which it is proposed to delete –

8. The selection Committee shall elect a chairperson and vice-chairperson from among its number.

Section 14(b) of the National Police Service Act No. 11A of 2011 which it is proposed to delete –

(b) ensure that at all times one of the three positions of the Inspector-General and the two Deputy Inspector-Generals is of opposite gender.
The long title to No. 20 of 2011 which it is proposed to amend -

An Act of Parliament to establish the Industrial Court as a superior court of record; to confer jurisdiction on the Court with respect to employment and labour relations and for connected purposes

Section (1) of No. 20 of 2011 which it is proposed to amend –

1. This Act may be cited as the Industrial Court Act, 2011.

2. "principal Judge" means the Principal Judge of the Court;

Section 3(1) of No. 20 of 2011 which it is proposed to amend –

3. (1) The principal objective of this Act is to enable the Court to facilitate the just, expeditious and proportionate resolution of disputes governed by this Act.

Section 4 of No. 20 of 2011 which it is proposed to delete -

Section 4 of No. 20 of 2011 which it is proposed to amend -

4. (1) In pursuance of Article 162(2)(a) of the Constitution, there is established the Industrial Court for the purpose of settling employment and industrial relations disputes and the furtherance, securing and maintenance of good employment and labour relations in Kenya.

(2) The Court shall be a superior court of record with the status of the High Court.

(3) The Court shall have and exercise jurisdiction throughout Kenya.
Section 5 of No. 20 of 2011 which it is proposed to amend-

5. (1) The Court shall consist of —

(a) the Principal Judge; and

(b) such number of Judges as the President may, acting on the recommendations of the Judicial Service Commission, appoint.

(2) The Principal Judge shall be elected in accordance with the procedure prescribed in Article 165(2) of the Constitution.

(3) The Principal Judge shall hold office for a term of not more than five years and shall be eligible for re-election for one further term of five years.

(4) The Principal Judge shall have supervisory powers over the Court and shall be answerable to the Chief Justice.

(5) In the absence of the Principal Judge or in the event of a vacancy in the office of the Principal Judge, the Judges of the Court may elect any other Judge to have and exercise and perform the powers and functions of the Principal Judge, and who shall be deemed to be the Principal Judge.

Section 11 of No. 20 of 2011 which it is proposed to amend-

11. (1) In relation to the proceedings before the Court, the Registrar shall act in accordance with the instructions of the Chief Registrar and shall, in particular, be responsible for —

(a) the establishment and maintenance of the Register;

(b) the acceptance, transmission, service and custody of documents in accordance with the Rules;

(c) the enforcement of decisions of the Court;
(d) certifying that any order, direction or decision is an order, direction or decision of the Court, the Chief Justice or a Judge, as the case may be;

(e) causing to be kept records of the proceedings and minutes of the meetings of the Court and such other records as the Court may direct; and

(f) undertaking any other duties assigned by the Court for the benefit of the Court.

(2) The Registrar, the Senior Deputy Registrars, the Deputy Registrars, the Assistant Registrars and other officers of the Court shall exercise such powers and perform such duties as may be conferred upon them by this Act, the rule of the Court or any other written law.

Section 7(2) of No. 20 of 2011 which it is proposed to amend –

(2) Subject to provisions of the Constitution, the Principal Judge may elect either to retire from office or to continue serving as Judge of the Court upon expiry of the Principal Judge’s term.

Section 8 of No. 20 of 2011 which it is proposed to delete –

8.(1) The remuneration and benefits payable to or in respect of Judges shall be a charge on the Consolidated Fund.

(2) The administrative expenses of the Court and other expenses of the Court in the discharge of its functions shall be paid from the Judiciary Fund established under Article 173 of the Constitution.

Section 9(1)(b) of No. 20 of 2011 which it is proposed to delete –

9.(1)(b) the Senior Deputy Registrar, one or more Deputy Registrars and one or more Assistant Registrars, as the administration of justice requires; and
Section 9(2) of No. 20 of 2011 which it is proposed to amend -

(2) The officers of the Court shall perform the administrative functions of the Court under the supervision and control of the Registrar.

Subsections (3), (4) and (5) of Section 9 of No. 20 of 2011 which it is proposed to delete –

(3) The Senior Deputy Registrar, Deputy Registrar or Assistant Registrar of the Court may perform such other functions of the Registrar as the Registrar may delegate generally or specifically.

(4) The Senior Deputy Registrar, Deputy Registrar of the Court or if there is more than one, the most Senior Deputy Registrar shall act as Registrar of the Court whenever –

(a) the Registrar is for any reason, temporarily unable to perform the functions of the registrar; or

(b) the office of the Registrar is vacant.

(c) demonstrate competence in the performance of administrative duties for not less than three years.

Section 11 of No. 20 of 2011 which it is proposed to section 12 of No. 2011 which it is proposed to amend –

Section 13 of No. 20 of 2011 which it is proposed to amend

13. A judgment, award, order or decree of the Court shall be enforceable in accordance with the rules made under this Act.
Section 14 of No. 20 of 2011 which it is proposed to amend

14. The seal of the Court shall be such device as may be determined by the Court and shall be kept in the custody of the Registrar.

Section 15(2) and (3) of No. 20 of 2011 which it is proposed to delete

15.(2) The Court may refuse to determine any dispute, other than an appeal or review before the Court is satisfied that there has been no attempt to effect a settlement pursuant to subsection (1).

(3) Subject to any other written law, a certificate issued by a conciliator accompanied by the record or evidence of the minutes of the conciliation meetings giving reasons for the decisions as arrived at by the conciliator, shall be sufficient proof that an attempt has been made to resolve the dispute through conciliation, but the dispute remains unresolved.

Section 17(2) of No. 20 of 2011 which it is proposed to delete

17. (2) An appeal from a judgment, award, decision, decree or order of the Court shall lie only on matters of law.

Section 18 of No. 20 of 2011 which it is proposed to delete

18. The Court shall have appellate jurisdiction to hear and determine appeals from –

(a) decisions of the Registrar of Trade Unions; and

(b) Any other court, local tribunal or commission as prescribed under any written law
Subsections 20 (1), (2), (3) and (7) of No. 20 of 2011 which it is proposed to amend –

20.(1) In any proceedings to which this Act applies, the Court shall act without undue regard to technicalities and shall not be strictly bound by rules of evidence except in criminal matters:

Provided that the Court may inform itself on any matter as it considers just and may take into account opinion evidence and such facts as it considers relevant and material to the proceedings.

(2) The Court shall have power to summon witnesses, to administer oaths and affirmations and to require any person who appears to it to have special knowledge of any relevant matter, or of any of the matters to which this Act applies or any written law to which it relates to furnish, in writing or otherwise, and to confirm on oath, such expert opinion as may be relevant to any of the issues in the proceedings.

(3) The experts referred to in subsection (2) shall be paid in accordance with the Rules.

(7)(b) is required by an order made under subsection (4) to furnish information, and who makes any statement or furnishes any information which the person knows, or has reasonable cause to believe, to be false or misleading in material particular,

commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Section 21(2) of No. 20 of 2011 which it is proposed to amend –

(3) Notwithstanding subsection (1), any matter certified by the Court as raising a substantial question of law under Article 165(3)(b) or (c) of the Constitution shall be heard by an uneven
number of judges, being not less than three assigned by the Chief Justice.

Section 22(1) of No. 20 of 2011 which it is proposed to amend -

22. In any proceedings before the Court or a subordinate industrial court, a party to the proceedings may act in person or be represented by an advocate, an office bearer or official of the party's trade union or employers' organisation and, if the party is a juristic person, by a director or an employee specially authorised for that purpose.

Paragraph (a) of Section 24(a) of No. 20 of 2011 which it is proposed to amend –

24(a) the Principal Judge who shall be the chairperson:

Section 27(1) of No. 20 of 2011 which it is proposed to amend –

27. (1) The Chief Justice, may in consultation with the Committee, make rules for regulating the practice and procedure of the Court.

(2) Without prejudice to the generality of subsection (1), such rules may provide for—

(a) regulating the sittings of the Court and the selection of Judges for any purpose;

(b) prescribing forms and fees in respect of proceedings in the Court and regulating the costs of and incidental to any such proceedings;

(c) prescribing the time within which any requirement of the rules is to be complied with; and

(d) any other matter required under this Act or any other written law.
Section 28 of No. 20 of 2011 which it is proposed to delete

28. All appointments under this Act shall be in accordance with Article 232(1)(i) of the Constitution and the appointees shall be required to meet the requirements of Chapter Six of the Constitution.

Section 29(5) of No. 20 of 2011 which it is proposed to delete –

29.(5) Appeals on matters relating to employment and labour relations from the designated magistrate's court shall lie with the Court.

Section 32(3) of No. 20 of 2011 which it is proposed to delete –

32.(3) The persons who at the commencement of this Act are members of the Industrial Court shall be deemed to have been appointed under this Act.

Section 35 of No. 20 of 2011 which it is proposed to amend

35. Any other written law relating to the regulation of employment and labour relations shall have effect subject to such modification as may be necessary to give effect to this Act, and where the provisions of any law conflict with the provisions of this Act, the provisions of this Act shall prevail.

Section 11(1), (2), 11(3) of Act No. 22 of 2011 which it is proposed to amend –

(2) Any person who contravenes subsection 9(1)(i) commits an offence.

(3) The Commission may cooperate and collaborate with other state organs and agencies in the prevention and investigation for corruption.
Section 8(1) of Act No. 28 of 2011 which it is proposed to amend -

(g) six other members, not being public officers, nominated or selected through a competitive process taking into account regional balance and gender parity and appointed by the Minister, of whom -

Section 8(3) of No. 28 of 2011 which it is proposed to delete -

Section 14(1) of No. 28 of 2011 which it is proposed to amend -

14.(1) The Minister shall, in consultation with the Board of the Authority and subject to subsection (2), appoint the Director-General of the Authority through a competitive process and with the prior approval of the National Assembly.

Section 20(2)(g) of No. 28 of 2011 which it is proposed to amend -

20.(2) (g) six other members, not being public officers, nominated or selected through a competitive process taking into account regional balance and gender parity and appointed by the Minister, of whom -

Section 20(4) of No. 28 of 2011 which it is proposed to delete -

20.(4) The names of person proposed for appointment under subsection (2)(a) and (g) shall, before they are appointed, be laid before the National Assembly for approval.

Section 25(1) of No. 28 of 2011 which it is proposed to amend -

25.(1) The Minister shall, in consultation with the Council and subject to subsection (2), appoint the
Principal of the College through a competitive process and with the prior approval of the National Assembly.

Section 32(1)(f) of No. 28 of 2011 which it is proposed to amend —

32.(1)(f) five other members nominated or selected through a competitive process taking into consideration regional balance and gender parity and appointed by the Minister, of whom —

Section 32(2) of No. 28 of 2011 which it is proposed to delete —

(2) The names of persons proposed for appointment under subsection (1)(a) and (f) shall, before they are appointed, be laid before the National Assembly for approval.

Section 43(1) and (2) of No. 28 of 2011 which it is proposed to amend —

43.(1) There shall be a Board of the Convention Centre which shall consist of —

(a) a chairperson appointed by the President;

(b) the Permanent Secretary of the ministry for the time being responsible for matter relating to tourism or his representative;

(c) the Permanent Secretary of the ministry for the time being responsible for matters relating to finance or his representative;

(d) the Chief Executive Officer of the Tourism Board;

(e) the Chief Executive Officer of the Convention Centre, who shall be the secretary; and

(f) five other members, not being public officers, appointed by the Minister through a competitive process taking into account
regional balance and gender parity, of whom

(a) two shall be nominated by the registered national tourism associations; and

(ii) three shall be person with knowledge or experience in matters relating to business management or marketing.

Section 48(1) of No. 28 of 2011 which it is proposed to amend –

48.(1) The Minister shall, in consultation with the Board of the Convention Centre and subject to subsection (2), appoint a person to be Chief Executive Officer of the Convention Centre through a competitive process and with prior approval of the National Assembly.

Section 54(1) of No. 28 of 2011 which it is proposed to amend –

54.(1)(h) six other members appointed by the Minister through a competitive process, taking into account regional balance and gender parity, of whom –

Section 54(2) of No. 28 of 2011 which it is proposed to delete –

(2) The names of person proposed for appointment under subsection (1)(a) and (h) shall, before they are appointed, be laid before the National Assembly for approval.

Section 67(4) and (5) of No. 28 of 2011 which it is proposed to amend –

67.(4) (d) six other members appointed by the Minister through a competitive process taking into account regional balance and gender parity, of whom –
(5) The names of persons proposed for appointment under subsection (4)(a) and (d) shall, before they are appointed, be laid before the National Assembly for approval.

Section 73(1) of No. 28 of 2011 which it is proposed to amend

73.(1) The Minister shall, in consultation with the Board of Trustees and subject to subsection (2), appoint the Chief Executive Officer to the Fund through a competitive process and with the prior approval of the National Assembly.

Section 77(1) and (2) of No. 28 of 2011 which it is proposed to amend

(2) The names of persons proposed for appointment under subsection (1)(a) and (e) shall, before they are appointed, be laid before the National Assembly for approval.

Section 82(1) of No. 28 of 2011 which it is proposed to amend

82.(1) The Minister shall, in consultation with the Board of the Corporation and subject to subsection (2), appoint a Chief Executive Officer to the Corporation through a competitive process and with prior approval of the National Assembly.

Sections 6(1) and (4) of No. 9 of 2012 which it is proposed to amend

(b) the Permanent Secretary in the ministry for the time being responsible for the Public Service;

(c) the Permanent Secretary in the ministry for the time being responsible for finance;

(d) the Permanent Secretary in the ministry for the time being responsible for higher education;

6.(4) The Chairperson and the members of the Council appointed under subsection (1)(f), (g) and (i) shall hold office for
a term not exceeding five years and shall be eligible for re-appointment for one further term.

Section 8(c) of No. 9 of 2012 which it is proposed to delete –

8(c) hire the Director-General and other staff of the School;

Section 9(3) of No. 9 of 2012 which it is proposed delete –

9.(3) The members of the Council shall attend the meetings of the Council in person and not by proxy or alternates.

Sections 5(1) of Act No. 18 of 2012 which it is proposed to amend –

5.(1) A county Executive Committee member for finance may, with the approval of the county executive committee and county assembly, by order in the Gazette, declare a county corporation, an authority or any other body whose functions fall under that county government to be a county government entity for the purposes of this Act.

52.(1) Pursuant to Article 80(c) of the Constitution, the provisions of Chapter Six of the Constitution and Part II of this Act except section 18 shall apply to all public officers as if they were State officers.

Section 13 of No. 19 of 2012 which it is proposed to amend-

13. (1) For the purposes of Articles 99 (1) (b) and 193 (1) (b) of the Constitution, a person shall observe and maintain the following ethical and moral requirements—

(a) demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act, 2003;

(b) not to engage in activities that amount to abuse of office;

(c) accurately and honestly represent information to the public;
(d) not engage in wrongful conduct in furtherance of personal benefit;

(e) not misuse public resources;

(f) not discriminate against any person, except as expressly provided for under the law;

(g) not falsify any records;

(h) not engage in actions which would lead to the State officer's removal from the membership of a professional body in accordance with the law; and

(i) not commit offences and in particular, any of the offences under Parts XV and XVI of the Penal Code, the Sexual Offences Act, 2006, the Counter-Trafficking in Persons Act, 2010, and the Children's Act, 2008.

(2) A person who wishes to be elected to a State office shall, for the purposes of this section, submit to the Independent Electoral and Boundaries Commission a self-declaration in the form set out in the First Schedule.

52. (1) Pursuant to Article 80(c) of the Constitution, the provisions of Chapter Six of the Constitution and Part II of this Act except section 18 shall apply to all public officers as if they were State officers.

Section 96(1) of No. 23 of 2012 which it is proposed to amend -

Sections 8(3), 8(4), 10(d), 11(1), 12, 13(1), 16(1), 17(1), 19, 28, 28(3), 29(2), 32(1), 32(2), 33, 34(1), 34(2), 35(1), 96(1), 112, 113, (115). 123, 126(3), 142(6), 196, 199, 210(1), 210(2), 210(3), 213(2), 213(6), 245 Act No. 25 of 2012 which it is proposed to amend

8.(3) Where the Defence Forces is deployed for any purpose contemplated in subsection (1)(b) and (c), the Cabinet Secretary shall inform the National Assembly promptly and in appropriate detail of the—
(a) reasons for such deployment;
(b) place where the Defence Forces is being/deployed;
(c) number of persons involved;
(d) period for which the Defence Forces is expected to be deployed; and
(e) expenditure incurred or expected to be incurred.

(4) If the National Assembly is not in session during the first seven days after the deployment of the Defence Forces as contemplated in subsection (3), the Defence Council shall, through the President, provide the information required in that subsection (3) to the Speaker of the National Assembly.

10.(d) perform such functions, in particular those necessary for the control and administration of the Defence Forces, as may be delegated to the Cabinet Secretary, by—

(i) the President over the Defence Forces; or
(ii) Parliament over the Ministry;

(h) (i) a report by the Chief of the Kenya Defence Forces on each Service of the Defence Forces indicating the expenditures, work and accomplishments of the Service;

11.(1) The Cabinet Secretary may, where appropriate and in writing, delegate any power or assign any duty conferred on him or her under this Act to—

(a) the Chief of the Defence Forces; or
(b) any member of the Defence Forces with the approval of the Chief of the Defence Forces and through the Service Commanders.

12.(i) be responsible for implementing the deployment of members of the Defence Forces in accordance with an authorization by the National Security Council and Defence Council granted in accordance with Articles 240(8) and 241(3)(c)of the Constitution and this Act;

13.(1)(a) any member of the Defence Forces, through the Service Commanders; or

(b) any employee of the Ministry, with the approval of the Cabinet Secretary.

16.(1) commission research and benchmark against best practices on the Service;

17.(1) (b)any employee of the Ministry, with the approval of the Cabinet Secretary and the Chief of the Defence Forces.

19.(2) The Defence Council shall appoint a public officer or a member of the Defence Forces to be the secretary to the Council.

28.(2) In developing the criteria for the recruitment, promotion and transfer of members of the Defence Forces, the Defence Council shall consult with the Public Service Commission.

(3) The Defence Council shall advertise the chances allocated per county at least thirty days before recruitment.

29.(2) The Defence Council shall, in consultation with the Public Service Commission, determine the conditions of service of members of the Defence Forces.

Deployment of Defence Forces to

32. (1) Pursuant to Article 241(3) (c) of the Constitution, the Defence Council may deploy the Defence
The Defence Forces in any part of Kenya affected by unrest or instability to restore peace.

(1) Whenever the Defence Forces are deployed to restore peace in any part of Kenya pursuant to subsection (1), the Chief of the Defence Forces shall be responsible for the administration, control and overall superintendence of the operation.

33. (1) The Defence Forces may be deployed in a joint operation and in support of the National Police Service in situations of emergency or disaster.

(2) The Defence Forces may, with the approval of the National Assembly, be deployed to restore peace in any part of Kenya.

(3) Whenever the Defence Forces are deployed pursuant to subsection (2), the Inspector-General of the National Police Service shall be responsible for the administration, command, control and overall superintendence of the operation.

35. (1) Whenever the Defence Forces or any portion or member thereof has been deployed under section 33, that member of the Defence Forces shall have the same powers and exercise the same duties as those conferred or imposed upon a member of the National Police Service.

96.(1) A person who is subject to this Act commits offence if that person –

(a) loses, or by negligence damages any public property or non-property of which the person has the charge or which has been entrusted to the person’s care, or which forms part of property of which the person has the charge or which forms part of property of which the person has the charge or which has been entrusted to the person’s care, or any service decoration granted to the person;
Section 112 of No. 25 of 2012 which it is proposed to amend -

112. A person who is subject to this Act commits an offence if that person, when before a recruiting officer for the purpose of being attested under this Act knowingly gives a false answer to any question contained in the attestation paper and put to the person by or by the direction of the recruiting officer.

Section 113 of No. 25 of 2012 which it is proposed to amend -

113. Any person subject to this Act who knowingly –

(a) gives a false answer to any question set out in any document required to be completed, or

(b) furnishes any false information or false document, in relation to the enrolment of that person;

commits an offence and on conviction is liable to imprisonment for a term of less than two years or to lesser punishment.

Section 115 of No. 25 of 2012 which it is proposed to amend -

115. A person subject to this Act who –

(a) willfully or negligently makes a false statement or entry in a document made or signed by that person and required for official purposes or who, being aware of the falsity of a statement or entry in a document so required, orders the making or signing thereof;

(b) when signing a document required for official purposes, leaves in blank any material part for which the signature is a voucher;

(c) with intent to injure any person or with, intent to deceive, suppresses, defaces, alters or makes away with any document or file kept, made or
issued for any military or departmental purposes,

commits an offence and on conviction is liable to imprisonment for a term not exceeding three years or to lesser punishment.

Section 123 of No.25 of 2012 which it is proposed to amend

123. A person subject to this Act who negligently or deliberately fires or discharges ammunition from a weapon in the person's charge or entrusted to the person's care, or which forms part of property within the person's charge or issued to the person for use for service purposes, commits an offence and, shall be liable, on conviction by a court martial, be liable to imprisonment –

Section 126(3) of No. 25 of the 2012 which it is proposed to amend

126.(3) Where the offence is committed in time of emergency, general mobilization or war, the person shall on conviction by a court martial to imprisonment for a term, not exceeding ten years or to a lesser punishment provided for in this Act.

Section 142(6) No. 25 of the 2012 which it is proposed to amend

142.(6) The provisions of the Criminal Procedure Act relating to the constitution and procedure of Magistrates' Courts, powers of adjournment and remand of persons accused, and relating to evidence and the issue and enforcement of summonses or warrants to secure the attendance of witnesses, shall apply to proceedings under this section.

Section 157(2) of No. 25 of the 2012 which it is proposed to amend

157.(2) If an accused opts to be tried by a court martial, the commanding officer or appropriate superior authority, as the case
may be, shall refer the charge to the Director of Military Prosecutions

Section 196(3) of No. 25 of the 2012 which it is proposed to amend -

196. In the case of an appeal, under this Part, it shall be the duty of the Defence Court Administrator to furnish the Registrar, in accordance with rules of court, with a record of the proceedings of the court martial.

Section 199 of No. 25 of the 2012 which it is proposed to an end -

199. Subject to this Part and to any rules of court, Procedure the provisions of the Criminal Procedure Act relating to the hearing of appeals from subordinate courts shall apply to the hearing and determination of appeals under this Part.

Section 210(1), (2), (3) and (4) of No. 25 of the 2012 which it is proposed to amend -

210. (1) A person shall not be tried by a court martial for an offence under this Act, other than an offence under sections 72, 73, or 74 (1) (a), unless the trial is begun within three years after the commission of the offence, subject to subsections (2) and (3).

(2) When calculating a period contemplated in subsection (1), any period during which a person was illegally absent or a prisoner of war shall be disregarded.

(a) in the case of an offence under section 133, if any written law requires that proceedings for the corresponding civil offence shall be brought within a particular time, that time limit shall apply to the trial of the offence under that section instead of three years (the same periods being disregarded); and
(b) subject to any time limit applicable by virtue of paragraph (a), a person may be tried by a court martial for a civil offence committed outside Kenya despite the fact that it was committed more than three years before the beginning of the trial, if the Director of Public Prosecutions consents to the trial.

(4) A person shall not be tried by a court martial for an offence under Part VI, other than an offence under sections 72, 73 or 74 (1) (a), unless—

(a) the trial is begun within three months after the person ceases to be subject to this Act; or

(b) the trial is for a civil offence committed outside Kenya and the Director of Public Prosecutions consents to the trial.

Section 213(2) and (3) of No. 25 of the 2012 which it is proposed to amend—

(2) A person shall not be appointed as the Director of Military Prosecutions unless the person is—

(a) an officer of at least the rank of Brigadier; and

(b) an advocate of the High Court of Kenya of not less than ten years standing.

(3) A person appointed as the Director of Military Prosecutions under this section shall—

(a) have power to direct military police to investigate any information or allegation of criminal conduct, and a military police shall comply with any such direction;

(b) exercise powers of prosecution under this Act and shall undertake prosecutions at a court martial against any person subject to this Act in
respect of any alleged offence under Part VI;

(c) have power with the permission of the Judge Advocate to discontinue any proceedings before a court martial at any stage before summing up by Judge Advocate.

(4) The Director of Military Prosecutions shall not discontinue proceedings before a courts martial unless with the permission of the Judge Advocate.

(5) Except as provided for in this Act, the Director of Military Prosecutions shall not require the consent of any person or authority for prosecutions and, in the exercise of the powers or functions under subsection (3) of this section shall not be under the direction or control of any person or authority.

(6) The office of the Director of Military Prosecutions shall be a separate office from that of the legal department in the Defence Forces or Ministry.

Section 245(g) and (10) of No. 25 of the 2012 which it is proposed to amend -

245. Protection of members on active service.

(9) A member who is receiving the treatment referred to in subsection (8) shall receive his or her pay and allowances on their becoming due and such period of treatment shall for all purposes be regarded as duty.

(10) The Government shall compensate members or families of members of the Defence Forces, as the case may be, who lose their lives or suffer disabilities while exercising military service or training.

Section 270 of No. 25 of the 2012 which it is proposed to delete -

270. (1) A member of the Defence Forces shall not subject any person to torture, cruel, inhuman or degrading treatment.

(1) A member of the Defence Forces who subjects a person to torture commits an offence and is liable on
conviction to a fine not exceeding ten million shillings or imprisonment for a term not exceeding twenty five years or both.

(2) A member of the Defence Forces who subjects a person to cruel, inhuman or degrading treatment commits an offence and is liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding fifteen years or both.

(3) In this section—

“cruel, inhuman or degrading treatment or punishment” means a deliberate and aggravated treatment or punishment not amounting to torture, inflicted by a person in authority or the agent of the person in authority against a person under his or her custody, causing suffering, gross humiliation or debasement to the person;

“torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purpose of—

(i) obtaining information or a confession from the person or from a third person;

(ii) punishing the person for an act which that person or a third person has committed or is suspected of having committed;

(iv) for any reason based on discrimination of any kind,

when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Sections 4(2) and 4(4) of Act No. 26 of 2012 which it is proposed to amend—

(d) provide train paralegal training;
Sections 6(2)(e) of Act No. 26 of 2012 which it is proposed to amend—

6.(1)(e) the Secretary to the Commission for higher Education;

(f) administer the property and funds of the School in a transparent and accountable manner and for such purpose as shall promote the functions of the School;

Sections 7(2) of Act No. 26 of 2012 which it is proposed to amend—

Paragraph 1 of the Second Schedule to No. 26 of 2012 which it is proposed to amend—

(1) A person shall be admitted to the School if;

(a) having passed the relevant examination of any recognized university in Kenya holds, or has become eligible for the conferment of the Bachelor of Laws Degree (LL.B) of that University; or

(ii) obtained a minimum grade B (plain) in English Language or Kiswahili and a mean grade of C (plus) in the Kenya Certificate of Secondary Education or its equivalent; or

Section 4(5(a) and section 4(8) of Act No.27 of 2012 which it is proposed to amend—

4.(5) the chairperson, who shall be a person with at least fifteen years experience in the legal profession or in matters relating to legal education, upon whom the rank of senior Counsel has been conferred by the President under section 17 of the Advocates Act and who shall be appointed by the Attorney-General;

4.(8) A member of the Council appointed under subsection (5)(a),(g),(h) and (i), shall hold office for a term of four years and may be eligible for reappointment for one further term.
Section 5(1)(g) of Act No. 28 of 2012 which it is proposed to amend—

5.(1)(g) undertake to provide a confidential security report—

Section 16(1) of Act No. 28 of 2012 which it is proposed to amend—

16.(1) The Council shall appoint such number of members of the Service as may be necessary for the proper and efficient discharge of the functions of the Service.

Section 23(1) of Act No. 28 of 2012 which it is proposed to amend—

23.(1) Subject to Articles 234(2)(g) and 47 of the Constitution, the Council shall, in consultation with the Public Service Commission, issue and maintain a disciplinary code for the Service which may—

Section 36(1) of Act No. 28 of 2012 which it is proposed to delete—

36.(2) The Service shall, prior to taking any action under this section, obtain a warrant under Part V.

Section 64(4) of Act No. 28 of 2012 which it is proposed to delete—

64.(4) The functions of the Council shall be to advise the Service generally on all matters pertaining to—

(a) the national intelligence policies and strategies;
(b) the administration of the Service; and
(c) the expenditure of the Service.

(C) the expenditure of the Service" Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to planning and national development;
"international non-governmental organization" means a non-governmental organization with its original registration being in a country other than Kenya and operating in Kenya under a certificate of registration issued under section 10 of this Act;

**Section 78(1) of No. 28 of 2012 which it is proposed to amend** -

78.(1) The Cabinet Secretary may, in consultation with the Council make regulations generally prescribing anything required by this Act to be prescribed or generally for the better carrying out of the provisions of this Act.

**Section 79(1) of No. 28 of 2012 which it is proposed to amend** –

79.(1) Notwithstanding the provisions of section 78(1), the Council may make regulations providing for—

**Section 4 of No. 29 of 2012 which it is proposed to amend** -

The definition of “Charter” in section 24 No. 42 of 2012 which it is proposed to amend—

“Charter” means the Charter granted to a university under section 19;

**Section 5(3) of Act No. 42 of 2012 which it is proposed to amend**—

5.(3)) For the avoidance of doubt, save as may be provided for under any other written law, the Commission shall be the only body with the power to perform the functions set out in this section.

**Section 13(3)(h) of Act No. 42 of 2012 which it is proposed to amend**—

13(3)(h) the core courses offered at the university;

**Section 15(1) of Act No. 42 of 2012 which it is proposed to amend**—

15.(1) An institution granted an Interim Letter of Authority under section 14 shall be a body corporate with perpetual succession and a common seal and capable, in its corporate name, of—
Section 20(1)(d) of Act No. 28 of 2012 which it is proposed to amend -

20.(1) may established campuses and constituent colleges which must conform to standards established by regulations made under this Act, and

Section 20(2) of Act No. 42 of 2012 which it is proposed to amend -

(2) Notwithstanding the generality of subsection (1), constituent colleges and campuses of universities shall not share premises with incompatible businesses

Section 25(2) of Act No. 42 of 2012 which it is proposed to amend -

25. (2) Where a declaration under this section is made with respect to a public institution, it shall only apply where such institution is a National Polytechnic within the meaning of the Technical and Vocational Education and Training Act, 2012.

Section 35(1)(a) (v) of Act No. 42 of 2012 which it is proposed to delete -

35.(1)(a)(v) in the case of a public university, recommend for appointment of the Vice-Chancellor, Deputy Vice-Chancellors and principals of constituent colleges through a competitive process; and

the Vice-Chancellor who shall be an ex-officio member of the Council.

Section 36(1) of No. 42 of 2012 which it is proposed to amend -

36. (1) The council of a public university or constituent college of such a university shall consist of nine persons appointed by the Cabinet Secretary as follows —

(a) chairperson;

(b) the Principal Secretary in the Ministry for the time being responsible for the university education;

(c) the Principal Secretary in the Ministry for the time being responsible for Finance;
(d) five members appointed by the Cabinet Secretary through an open process; and

(e) the Vice-Chancellor who shall be an ex-officio member of the Council.

(2) The provisions relating to the qualifications of the chairperson and members of the Commission in section 7 shall apply, with necessary modifications, to the chairperson and members appointed under subsection (1)(d).

Section 66 of No. 42 of 2012 which it is proposed to amend-

66. No matter or thing done by a member of a university or any officer, employee or agent of a university shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the university, render the member, officer, employee or agent or any person acting the directions personally liable to any action, claim or demand whatsoever

Section 83 of No. 42 of 2012 which it is proposed to amend-

83.(1) On the appointed day—

(a) all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Commission shall, by virtue of this paragraph, vest in the Commission.

(b) all rights, powers and liabilities which immediately before such day were vested in, imposed on or enforceable against the former Commission shall by virtue of this subsection, be vested in, imposed on or enforceable against the Commission.

(c) Any reference in any written law or in any document or instrument to the Commission shall, on and after the appointed day, be construed to be a reference to the Commission.

(d) The annual estimates of the former Commission for the financial year in which the appointed day occurs shall be deemed to be the annual estimates of the
Commission for the remainder of that financial year:

Provided that such estimates may be varied by the Commission in such manner as the Cabinet Secretary may approve.

(e) The administrative directions made by the Commission or by the Cabinet Secretary which are in force immediately before the appointed day shall, on or after such day, have force as if they were directions made by the Commission or the Cabinet Secretary under this Act.

Section 84(1) of No. 42 of 2012 which it is proposed to amend—

84. (1) All persons who, immediately before the commencement of this Act, were Commissioners in the former Commission shall remain in office for the remainder of their or for a period not exceeding six months, whichever is shorter, after which new Commissioners shall be appointed in accordance with this Act.

Sections 2(1) of Act No.45 of 2012 which it is proposed to amend—

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to treaties;

Sections 5.2(1) of Act No.2 of 2013 which is proposed to amend—

“prosecution” means a prosecution under the jurisdiction of the director a proceeding respecting any offence, the prosecution or prospective prosecution which is under the jurisdiction of the Director and related to such a prosecution or proceeding and includes extraction proceedings and any appeal, revision or other proceeding related thereto.

Sections 26, 27,28, 29 and 30 of Act No.5 of 2013 which it is proposed to amend—


28. There is established offices know as Kenya Commonwealth London Office and Kenya Paris Office in this Act referred to as Kenya Commonwealth Office respectively which offices shall—

(a) coordinate Commonwealth education matters;
and

(b) provide linkages with international agencies dealing with education

Section 29 of Act No. 5 of 2013 which it is proposed to delete -

29. The Kenya Paris and Kenya Commonwealth Offices shall each be headed by a senior officer from the Ministry of Education appointed by the Cabinet Secretary or upon recommendations by the Board.

Section 30 of Act No. 5 of 2013 which it is proposed to delete -

30. The Cabinet Secretary shall in consultation with the Board, appoint staff to the offices of Kenya Paris and Kenya Commonwealth Office as may be necessary for the proper and efficient discharge of the functions of the Commission under this Act.

Definition in section 2 of No. 18 of 2013 which it is proposed to amend—

Paragraph 2(3) of the Fifth Schedule to No. 18 of 2013 which it is proposed to amend—

2.(3) On and after the appointed day, all actions, suits or legal proceedings by or against the former Board may be continued or prosecuted by or against the Commission and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

Paragraph 6 of the Fifth Schedule to ... 

6. (1) A person, other than a public officer, who was a member of the former Board immediately before the commencement of this Act shall be deemed to be a member of the Board of the Authority and shall continue in office as if appointed under this Act for the remainder of the three year term as provided for under this Act and shall be eligible for re-appointment once.

(2) Until such time as the terms of all persons serving the remainder of their term under subparagraph (1) have lapsed, the Board shall be deemed to be properly constituted notwithstanding that it has more members than has been provided for in section 35 of this Act.
(3) The Executive Director appointed under the former Act and in office immediately before the commencement of this Act shall continue as the Director under this Act for his or her unexpired term and shall continue in office as if appointed under this Act for the remainder of a five-year term as provided for under this Act:

Provided that that person shall be eligible for re-appointment as Director.

**Paragraph 9 of the Fifth Schedule to ...**

9. Members of the governing board of the Non-Governmental Organizations Council in office immediately before the commencement of this Act shall continue in office as members of the governing board of the Federation under this Act as if elected to office under this Act, but only for the remainder of their term but shall be eligible for election to the governing board of the federation under this Act:

Provided that cessation of membership in the governing board of the council under this paragraph shall not affect the membership of a member of the Board of the Authority, who shall, despite that cessation, continue in office as provided for in paragraph 1.

**Section 2 of  Act No. 11 of 2013 which it is proposed to amend -**

2. “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to planning and national development;

“international non-governmental organization” means a non-governmental organization with its original registration being in a country other than Kenya and operating in Kenya under a certificate of registration issued under section 10 of this Act;

**Section 8(2)(a), (8) and 10(2) of  Act No. 18 of 2013 which it is proposed to amend**

8.(2) (a) a copy of the constitution or other constitutive document of the public benefit organization;

(8) A public benefit organization shall notify the Authority of any change in the particulars submitted under subsection (2) or (3) within sixty days of occurrence.
10.(2) A certificate of registration shall be a conclusive evidence of the authority to operate throughout Kenya as specified in the constitution of the public benefit organization or in the certificate of registration.

Section 11 of Act No. 11 of 2013 which it is proposed to amend -

10.(4) the organization is voluntarily deregistered;

Section 11 (2)(a) of Act No. 11 of 2013 which it is proposed to amend

11.(2) (a) exempt the organization from registration, and instead grant that organization a permit to operate in Kenya, if that organization does not intend to directly implement any activities or programmes in Kenya or operate from Kenya to implement any activities or programmes in another country;

Section 12 of Act No. 18 of 2013 which it is proposed to amend -

Presumption of Registration.

12. If, upon the expiry of sixty days from the date a public benefit organization made an application for registration under section 9(1), no decision has been made by the Authority, the public benefit organization may apply to the Tribunal for an order requiring the Authority to issue to it a certificate of registration or communicate to the organization that the registration has been refused, together with the reasons therefor.

Section 13(1) of Act No. 18 of 2013 which it is proposed to amend -

Effect of Registration.

13.(1) the certificate of registration issued by the Authority shall be conclusive evidence that the organization-

Section 15(6)(c) of Act No. 18 of 2013 which it is proposed to amend -

15(6)(c) all public benefit organizations which deregistered voluntarily were wound up or dissolved during the previous quarter of the financial year.

Section 21 (8) of Act No. 18 of 2013 which it is proposed to amend -

21.(8) Notwithstanding anything contained in the rules of the Federation, a member of the governing board of the
Federation shall hold office for five years but shall be eligible for election for one more term.

Section 21(12) of Act No. 18 of 2013 which it is proposed to amend -

21.(12) The disputes referred to in subsection to in subsection (11) shall be disputes-

between any member of the Federation and the Federation;

(a) between the members of the Federation;

(b) between the Federation and the Authority;

Section 22(d) of Act No. 18 of 2013 which it is proposed to amend -

22.(d) subject to section 35(1)(h) and (i), not to nominate or appoint members of the Federation’s governing body; and

Section 31 of Act No. 18 of 2013 which it is proposed to amend -

31. within six months after the end of each financial year, every public benefit organization registered under this Act shall cause to be made and submitted to the Authority -

Section 35(1) of Act No. 18 of 2013 which it is proposed to amend -

35.(1) (a) the chairperson appointed by the Cabinet Secretary;

(c) three members, at least one of whom shall be of different gender from the other two, who have rendered distinguished service in the civil society, appointed by the Cabinet Secretary;

(f) one public officer representing the Principal Secretary responsible for such departments as the Authority shall determine;

(g) the Chairperson of the governing board of the Federation.
(i) two members of the governing board of the federation, being one woman and one man, nominated by the members of the governing board of the Federation and appointed by the Cabinet Secretary; and

(j) the Director.

Section 35(3) of Act No. 18 of 2013 which it is proposed to amend -

35.(3) No person shall be eligible for appointment under subsection (1) (b) or nomination under subsection (1) (g) unless such person has at least ten years; experience in the public benefit organization's sector.

Section 36(1) of Act No. 18 of 2013 which it is proposed to amend -

36.(1) (e) has no subsisting office or membership in a public benefit organization.

Term of office.

37. the chairperson and the members of the Board of the Authority shall hold office for a term of three years and may be re-appointed for a further and final term of three years.

Oath of office.

38. The chairperson, the members of the Board of the Authority and the Director shall each make and subscribe to a prescribed oath or affirmation of office before the Chief Justice.

45. (1) there shall be a Director of the Authority who shall be appointed by the Authority.

(6) The director may be removed from office by the Board before expiry of the term set out in the instrument of appointment only for inability to exercise the functions of the office, whether arising from infirmity of body or mine or any other cause, or for misbehavior.

(8) The director shall be removed from office by the Board if the question of the Director's removal has been referred to a special committee of the Board appointed for the purpose of considering the matter and –

(a) the committee has so recommended; and
(b) the Board has approved the committee’s recommendation by the votes of not less than two-thirds of all its members.

46.(1) the Board shall appoint a Deputy Director and such officers and other staff as are necessary for the proper discharge of the functions of the Authority under this Act, upon such terms and conditions of service as it may determine.

61.(1) A registered public benefit organization may deregister, wind itself up or dissolve voluntarily by sending to the Authority -

61.(1)(ii) specifying a date, not exceeding two months from the date of the resolution, on which the deregistration is to take effect; and

61.(3) upon receiving a resolution or notice of voluntary deregistration or winding up or dissolution from the a registered public benefit organization, the Authority shall on the date specified in the resolution or notice –

(a) cancel the organization’s certificate of registration, and deregister it by amending the register; and

(b) notify the organization in writing of the deregistration and confirm the date on which the amendment was made to the register.

61.(4) when an organization is deregistered, would up or dissolved, any asset remaining after all its liabilities have been met, shall be transferred to another public benefit organization through a resolution of the governing body of the organization being deregistered, would up or dissolved; otherwise, the Authority shall make this decision.

(c) such employees shall contribute towards the training of Kenyans to obtain scientific technical and managerial skills,
Apply in writing to the Principal Immigration Officer for the issuance of the required permits in accordance with the provisions of the Immigration Act.

THIRD SCHEDULE
PROCEDURE FOR NOMINATING MEMBERS OF THE BOARD OF THE AUTHORITY

1. The Cabinet Secretary shall, within fourteen days of the commencement of this Act, by advertisement in the Gazette and in at least three daily newspapers of national circulation, declare vacancies and invite applications from person qualified under this Act for nomination as members of the Board.

2. An application under paragraph 1 shall be forwarded to the Permanent Secretary of the Ministry for the time being responsible for planning and national development within fourteen days of the advertisement and may be made by-

(a) Any qualified person; or

(b) Any person, organization or group of persons proposing the nomination of any qualified person.

4. The Cabinet Secretary shall, within seven days of the expiry of the period prescribed under paragraph 1, convene a committee comprising of representatives of a board spectrum of public benefit organizations for the purposes of considering the applications, interviewing and short listing twelve persons qualified for appointment as members of the Board.

7. the National Assembly shall, within fourteen days of the receipt of names under paragraph 6, through an open and consultative vetting process, consider all nominations and approve the names of six nominees for appointment as members of the Board.

9. where the National Assembly fails to approve the minimum number of nominees required, the Clerk of the National Assembly shall within three days of the decision communicate the names of the approved nominees and those
of the rejected nominees to the Cabinet Secretary for the submission by the Cabinet Secretary, within seven days, of fresh nomination in respect of the rejected candidates.

FOURTH SCHEDULE

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF THE AUTHORITY

(5) the chairperson, or in his absence the vice-chairperson, shall preside at every meeting of the Board but the members present shall elect one of their number to preside whenever the chairperson and vice-chairperson are absent, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted thereat.

FIFTH SCHEDULE

TRANSITIONAL PROVISIONS

(3) On and after the appointed day, all actions, suits or legal proceedings by or against the former Board may be continued or prosecuted by or against the Commission and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

(4) Any reference in any written law or in any document or instrument to the former Board shall, on and after the

6.(1) a person, other than a public officer, who was a member of the former Board immediately before the commencement of this Act shall be deemed to be a member of the Board of the Authority and shall continue in office as if appointed under this Act for the remainder of the three year term as provided for under this Act and shall be eligible for re-appointment once.

(2) Until such time as the terms of all persons serving the remainder of their term under subparagraph (1) have lapsed, the Board shall be deemed to be properly constituted notwithstanding that it has more members than has been provided for in section 35 of this Act.
9. Members of the governing board of the Non-Governmental Organization Council in office immediately before the commencement of this Act shall continue in office as members of the governing board of the Federation under this Act as if elected to office under this Act, but only for the remainder of the their term but shall be eligible for election to the governing board of the federation under this Act.

Provided that cessation of membership in the governing board of the council under this paragraph shall not affect the membership of a member of the Board of the Authority, who shall, despite that cessation, continue in office as provided for in paragraph 1.

Sections (1), 2, 3(1), 4(a), (b), (c),(d), (e), (f), 5(1), 5(4), 10(2), 11(2), 16; 22(2), 40(1), 42, 43, First Schedule paragraph of Act No.13 of 2013;

PART 1 – PRELIMINARY

1. This Act may be cited as the Agriculture, Fisheries and Food Authority Act, 2012 and shall come into operation on such a date as the Cabinet Secretary may, by notice in the Gazette, appoint not being more than six months after its publication and different dates may be appointed for different provisions.

2. In this Act, unless the context otherwise requires—

“agriculture” means cultivation of land and the use of land (whether or not covered by water) for any purpose of husbandry, aquaculture and food production and includes—

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AUTHORITY

3. (1) There is established an authority to be known as the Agriculture, Fisheries and Food Authority.

(3) The Authority shall be the successor to the institutions established by the Acts repealed under section 45 existing immediately before the commencement of this Act, the Crops Act, the Livestock Act and Fisheries Act respectively.
4. The Authority shall, in consultation with the county governments, perform the following functions—

(a) administer the Crops Act, and the Fisheries Act in accordance with the provisions of these Acts;

(b) promote best practices in, and regulate, the production, processing, marketing, grading, storage, collection, transportation and warehousing of agricultural and aquatic products excluding livestock products as may be provided for under the Crops Act, and the Fisheries Act.

(c) collect and collate data, maintain a database on agricultural and aquatic products excluding livestock products, documents and monitor agriculture through registration of players as provided for in the Crops Act and the Fisheries Act;

(d) be responsible for determining the research priorities in agriculture and aquaculture and to advise generally on research thereof;

(e) advise the national government and the county governments on agricultural and aquatic levies for purposes of planning, enhancing harmony and equity in the sector.

(f) carry out such other functions as may be assigned to it by this Act, the Crops Act, the Fisheries Act and any written law while respecting the roles of the two levels of governments.

5.(1) The management of the Authority shall vest in a Board which shall consist of—

(a) a chairperson appointed by the President with the approval of the National Assembly;

(b) the Principal Secretary in the Ministry responsible for agriculture;
(c) the Principal Secretary in the Ministry responsible for finance;

(d) the Principal Secretary in the Ministry responsible for matters relating to county governments;

(e) the Principal Secretary in the Ministry responsible for lands;

(f) the Principal Secretary in the Ministry responsible for environment;

(g) the Principal Secretary in the Ministry responsible for co-operatives;

(h) a representative of the National Land Commission;

(i) eight persons, being farmers' representatives, elected by the farmers to represent the major crop subsectors in Kenya;

(j) the Director General who shall be the secretary to the Board and chief executive officer of the Authority; and

(k) the Chairperson of the Transition Authority or his representative.

5.(4) may at any time resign from office by notice in writing to the Cabinet Secretary;

10. The appointment of the Director-General of the Authority under subsection (1) shall be done in consultation with Cabinet Secretary and with the approval of the National Assembly.

11. (2) The directorates to be established under subsection (1) shall include a directorate on fisheries and a separate directorate on food.

16. (2) All moneys received in respect of the levy shall be paid to the Authority and if not paid on or before the date prescribed by the order, the amount due shall be a civil debt recoverable summarily by the Authority.
22.(2)(g) provides for ex situ fish breeding to supplement in situ fish breeding and thereby outlaw seasonal bans on fishing.

(c) provide for efficient and effective fishing methods that are sensitive to the social-economic status of local communities; and

(d) provide for technical and other assistance to fishing communities to enhance their socio-economic development, especially that of vulnerable groups, including women.

Participation of farmers.

40.(1) For purposes of ensuring effective participation of farmers in the governance of the agricultural sector in Kenya, there shall be close consultation with all registered farmers' organisations in the development of policies or regulations and before the making of any major decision that has effect on the agricultural sector.

(2) The Cabinet Secretary shall make rules-

(a) to ensure that any agreements, including any agreement with regard to contributions by farmers to their organizations, entered into between the farmers and the farmers' organizations to which such farmers belong shall be respected by any third parties; and

(b) to provide the procedures for internal democracy in the farmers' organizations.

Measurement of weight.

42. The unit of measurement of the weight of all produce subject to regulation by the Authority shall be the kilogramme and each single package shall not exceed a weight of 50 kilogrammes.

Prohibition of export of some raw produce.

43. A person shall not export raw cashew nuts, raw pyrethrum, raw bixa or raw macadamia except with written authority of the Cabinet Secretary issued with the approval of the National Assembly.

FIRST SCHEDULE - TRANSITIONAL PROVISION
ASCU to act as interim secretariat.

9. The secretariat of the unit known as the Agricultural Sector Coordinating Unit existing at the commencement of this Act, shall for a period of not less than two years but not more than three years from the date of the commencement of this Act, act as the secretariat of the Authority.

Section 8(1), 8(4) and 12 of No. 19 of 2013 which it is proposed to amend—

8(1)(d) a representative of the Attorney-General appointed in writing;

(d) a representative of the Cabinet Secretary appointed in writing; and

(e) a representative of the Cabinet Secretary appointed in writings.

(4) The members of the Commission referred to in subsection (1) (c) and (d), shall be officers from the Office of the Attorney-General and the respective State Department.

Sections 12 of Act No.21 of 2013 which it is proposed to amend—

Term of office.

12.(1) The chairperson shall be appointed for a single term of six years and is not eligible for re-appointment.

(2) A member of the Commission shall be appointed for a single term of five years and is not eligible for re-appointment.

Sections 7(1)(g) of Act No.21 of 2013 which it is proposed to amend—

(f) the facilitation and provision of all the necessary support for the aircraft accident and incident investigations conducted by the investigator-in-charge;

Sections 52(b) of Act No.21 of 2013 which it is proposed to amend—
Sections 53(1) of Act No. 21 of 2013 which it is proposed to amend—

53.(1) For the purposes of carrying out responsibilities under section 52(b) and (c), the Cabinet Secretary shall appoint, by way of Gazette notice, investigators of accidents from whom he or she shall appoint an investigator-in-charge of air accidents and his or her Deputy.

(2) The objective of the investigation of an accident or incident shall be to determine the safety factors and where possible the probable cause and the prevention of accidents and not to apportion blame or liability.

Sections 54(1) and (3) of Act No. 21 of 2013 which it is proposed to amend—

54.(3) Upon completion of the accident investigation, the person in charge of investigation shall submit a final report of the findings to the Cabinet Secretary for publication in the Gazette.

(4) The person in charge of investigation may, at any stage of an investigation—

(7) Where the investigator-in-charge has reasons to believe that a person is capable of supplying information, producing a document or giving evidence that may assist in the performance of an investigation, the investigator-in-charge may by summons signed by himself or herself or the person in charge of investigation and served on that person, require the person—

The definition of “Secretary” in section 2 of No. 28 of 2013 which it is proposed to delete and substitute—

“Secretary” means the Secretary of the Commission appointed under section 8;

Section 5(1), (h) of Act No. 28 of 2013 which it is proposed to amend—

5.(1)(h) the Secretary, who shall be an ex-officio member and the Secretary to the Board.
Section 8(1), (2), (3) and (4) of Act No. 28 of 2013 which it is proposed to amend -

8.(1) There shall be a Secretary to the Commission who shall be appointed by the Cabinet Secretary on the recommendation of the Commission after a competitive recruitment process.

8 (2) A person shall be qualified for appointment as a Commission Secretary if the person—

8.(3) The Secretary shall be the chief executive officer of the Commission and shall be responsible for the day-to-day management of the affairs of the Commission.

Section 12 of Act No. 28 of 2013 which it is proposed to amend -

Research.

12.(2) Subsection (1) shall not apply to a person conducting scientific research under a university or a research institution programme.

Section 25 of No. 28 of 2013 which it is proposed to amend—

Rights of Institutes to research findings and discoveries.

25.(1) All rights in any discoveries, inventions and improvements in respect of processes, apparatus and machines made on behalf of an institution shall vest in the institution but may be made available for use in the public interest.

Section 41 of Act No. 28 of 2013 which it is proposed to amend—

41. The Common seal of the Commission shall be kept in the custody of the Commission Secretary and used in the manner the Commission shall direct.

Definition in Section 2, 9(3), 26(1), 28(1), 46 and Second Schedule paragraph 21 of Act No. 29 of 2013 which it is proposed to amend—

"teacher trainer college" means an institution offering technical teacher training at diploma level;
Section 9(3)(a) of Act No.29 of 2013 which it is proposed to amend—

9.(3)(a) holds a doctorate degree from a university recognized in Kenya:

Section 26(1) of of Act No.29 of 2013 which it is proposed to amend—

26.(1) Teacher trainer colleges, which shall offer up to higher diploma level, and:

Section 28(1)(d) of of Act No.29 of 2013 which it is proposed to amend—

28(1)(d) Councils for teacher trainer college.

Paragraph 21 of the Second Schedule to amend -

Offences by a TIVET institution.

21. Where it is proved that an offence under this Act has been committed by an institution with the consent and or connivance of or is attributable to the Secretary of the Board or other officer of the institution or any other person who was purporting to act in any such capacity, he as well as the institution shall also be guilty of that offence.

Section 3(1) of Cap.2 which it is proposed to delete and substitute

"Minister" means a person appointed as a Minister of the Government of Kenya under the Constitution, or the President, the Vice-President or the Attorney-General:

"the Minister" means the Minister for the time being responsible for the matter in question, or the President where executive authority for the matter in question is retained by him, or the Attorney-General where executive authority for the matter in question has been conferred on him:
Section 57(1)(aa) Cap. 16 which it is proposed to delete-

(aa) the Director of Public Prosecutions;

Section 46 and 48 Cap. 90 which it is proposed to delete -

46.(1) Convicted criminal prisoners sentenced to imprisonment, whether by one sentence or consecutive sentences, for a period exceeding one month, may by industry and good conduct earn a remission of one-third of their sentence or sentences.

Provided that in no case shall –

(iii) Any remission granted result in the release of a prisoner until he has served one calendar month;

(iv) Any remission be granted to a prisoner sentenced to imprisonment for life or for an offence under section 296(1) of the Penal Code or to be detained during the President's pleasure.

(2) For the purpose of giving effect to the provisions of subsection (1) of this section, each prisoner on admission shall be credited with the full amount or remission to which he would be entitled at the end of his sentence if he lost no remission of sentence.

(3) A prisoner may lose remission as a result of its forfeiture for an offence against prison discipline, and shall not earn any remission in respect of any period-

(c) spent in hospital through his own fault or while malingering; or

(d) while undergoing confinement as a punishment in a separate cell.

(3A) A prisoner may be deprived of remission –
(c) where the Commissioner considers that it is in the interests of the reformation and rehabilitation of the prisoner;

(d) where the Minister for the time being responsible for internal security considers that it is in the interests of public security or public order.

(4) Notwithstanding the provisions of subsection (1) of this section, on the recommendation of the Commissioner, the Minister may grant a further remission on the grounds of exceptional merit, permanent ill-health or other special grounds.

(5) The Minister shall have power to restore forfeited remission in whole or in part.

Board of Review. 48.(1) The President shall appoint a Board of Review, which shall at prescribed intervals, or at such lesser intervals as circumstances may require, review the sentences of all prisoners serving sentences of or exceeding seven years, including prisoners sentenced to imprisonment for life or to be detained during the President’s pleasure, and in each case shall tender advice to the President on the exercise of the prerogative of mercy.

(2) The Commissioner shall submit each month to the Board of Review a report on the general condition and conduct of every prisoner referred to in subsection (1) of this section who has during the previous month completed such period of his sentence as may be prescribed.

Section 1 of Cap. 155 which it is proposed to amend –

Short Title. 2. This Act may be cited as the Mohammendan Marriage and Divorce Registration Act.
Section 1 of Cap. 156 Which it is proposed to amend –

2. This Act may be cited as the Mohammedan Marriage, Divorce and Succession Act.

The Long title of Cap. 284 which it is proposed to amend–

An Act of Parliament to provide for the ascertainment and recording of rights and interests in Trust Land and for purposes connected therewith and purposes incidental thereto.

Section 2 of Cap. 284 which it is proposed to amend–

"Board" means an arbitration board or a special arbitration board appointed under section 7 of this Act:

Sections Long title, 3(1), 6(1), 23(2), 23(3), 26(1) and 29 of Cap 284 which it is proposed to amend–

An Act of Parliament to provide for the ascertainment and recording of rights and interest in Trust land, and for purposes connected therewith and purposes incidental thereto.

(1) the Minister may by order apply this Act to any area of Trust land if–

(i) the county council in whom the land is vested so requests;

(j) the Minister considers it expedient that the rights and interests of persons in the land should be ascertained and registered; and

(k) the Land Consolidation Act (Cap. 283) does not apply to the area.
Provided that this Act may be applied to an area to which the Land Consolidation Act (Cap. 283) applies where a record of existing rights has not been completed and certified under section 16 of that Act, and in such case, where anything has been done in the course of or for the purpose of adjudication under that Act, the Minister, if he is satisfied that those things have been done substantially in accordance with the principles of this Act, may, by order, order that those things shall be deemed to have been done under the corresponding provisions of this Act.

(2) In respect of each adjudication section, the adjudication officer, after consultation with the District Commissioner of the district within which the adjudication section lies, shall appoint not less than ten persons resident within the adjudication section to be the adjudication committee for that adjudication section.

23.(2) (d) land is entirely free from private rights, or all private rights in or over the land have been relinquished in favour of the county council, shall determine the county council to be the owner of the land;

23.(3) (b) a record of-

(ii) where the land is recorded under subsection (2) (d) of this section as being in the ownership of the county council, the fact that the land remains Trust land.

(1) Any person named in or affected by the adjudication register who considers it to be incorrect or incomplete in any respect may, within sixty days of the date upon which the notice of completion of the adjudication register is published, object to the adjudication officer in writing, saying in what respect he considers the adjudication register to be incorrect or incomplete.

(1) Any person who is aggrieved by the determination of an objection under section 26 of this Act may, within sixty days after the date of the determination, appeal against the determination to the Minister by
Section 2(3) of Cap.391 which it is proposed to amend—

(4) This Act shall not apply to inland waterways ports run by the Kenya Railways Corporation.

Section 5(1) of Cap.395 which it is proposed to amend—

(f) not more than two other members not being public officers or employees of the Authority, to be appointed by the Minister by virtue of their knowledge of civil aviation, aerodromes management and operation or of commerce, industry, finance or administration generally.

Section 3(1) of Cap.475 which it is proposed to amend—

(b) two hundred shillings for an internal journey.

Section s.11 of Cap. 475 which it is proposed to amend—

(2A) The chairperson shall be appointed by the President through a transparent and competitive process and with the approval of Parliament, and shall hold office for a term of four years but shall be eligible for reappointment for one further term.

Sections 5(a)(ii) of No. 2 of 1998 which it is proposed to amend—

(iii) Postal financial services, and perform incidental services relating to the issuing, receiving and paying of money and postal orders, postal drafts cheques, postal travellers’ cheques, giro, cash-on-delivery, collection of bills, saving service and registration for delivery of newspapers and periodicals;
Sections 4(1) and 10(1) of Act No. 9 of 1998 which it is proposed to amend

4.(1)(b) the Permanent Secretary in the Ministry for the time being responsible for matters relating to Health or his representative;

(l) the Permanent Secretary to the Treasury or his representative;

(m) the Permanent Secretary/Director of Personnel Management or his representative; the Director of Medical Services;

(n) one person nominated by the Federation of Kenya employees; one person nominated by the Central Organization of Trade Unions;

(o) One person nominated by the Kenya national Union of Teachers;

(p) one person nominated by the Kenya National Farmers Union;

(q) two members appointed by the Minister as follows-

(i) one person nominated by the Association of Kenya Insurers;

(iii) one person nominated by non-profit making health-care providers;

(r) the chairman of the Kenya Medical Association; and

(l) one member representing non-governmental organizations involved in the provision of health care services, nominated by the Non-Governmental Organization Council established under the Non-Governmental Organization Coordination Act, 1990 (No 19 of 1990).

(2) for purpose of subsection (l) “non-profit making health-care providers” means hospitals managed on a charitable basis by religious organizations.
The Statute Law (Miscellaneous Amendments) Bill, 2013

s.10 the Chief Executive Officer

(1) there shall be a Chief Executive Officer of the Board who shall be appointed by the Minister and who shall, subject to the directions of the Board, be responsible for the day to day management of the Fund and who shall be the Secretary of the Board.

Section 28(5) of No. 12 of 2001 which it is proposed to amend

(5) All claims for compensation under this section shall be made through an organization representative of producers of sound recordings.

No. 3 of 2003

Sections 21 of Act No. 22 of 2011, 19, 21, 22.23, 24, 26. 27(1) 32 and 36(1) which it is proposed to amend

"Director" means the Director of the Commission;

19.(1) For the better performance of its functions, the Advisory Board may establish committees in respect of the investigative, preventive and educational functions of the Commission or in respect of any other matter.

(2) The Advisory Board may delegate any of its powers and functions to any such committee, subject to subsection (3).

(3) The Advisory Board may not delegate the power or function to do any of the following –

(e) recommend a person to be appointed as Director or Assistant Director; Chairman and Vice-chairman.

(f) appoint a person to be an acting Assistant Director or revoke such an appointment;

(g) recommend the termination of a person’s appointment as the Director or an Assistant Director;

(h) request the appointment of a Tribunal under paragraph 5(4) of the First Schedule.
21. The Director shall be the secretary of the Advisory Board.

**PART IV – INVESTIGATIONS**

23.(1) The Director or a person authorized by the Director may conduct an investigation on behalf of the Commission.

(2) Except as otherwise provided by this Part the powers conferred on the Commission by this Part may be exercised, for the purposes of an investigation, by the Director or an investigator.

(3) For the purposes of an investigation, the Director and an investigator shall have the powers privileges and immunities of a police officer in addition to any other powers the Director or investigator has under this Part.

(4) The provisions of the Criminal Procedure Code, the Evidence Act, the Police Act and any other law conferring on the police the powers, privileges and immunities necessary for the detection, prevention and investigation of offences relating to corruption and economic crime shall, so far as they are not inconsistent with the provisions of this Act or any other law, apply to the Director and an investigator as if reference in those provisions to a police officer included reference to the Director or an investigator.

24.(1) The Commission shall issue identification documentation to an investigator and such identification shall be evidence that the person to whom it is issued is an investigator.

(2) The identification documentation issued by the Commission shall be signed by the Director.

26.(1) If the course of investigation into any offence, the Director is satisfied that it could assist or expedite such investigation, the Director may, by notice in writing, require a person who, for reasons to be stated in such notice, is reasonably suspected of corruption or economic crime to furnish, within a reasonable time specified in the notice, a written statement in the notice, a written statement in relation to any property specified by the Director and with regard to such specified property -
(c) enumerating the suspected person’s property and the times at which it was acquired; and

(d) stating, in relation to any property that was acquired at or about the time of the suspected corruption or economic crime, whether the property was acquired by purchase, gift, inheritance or in some other manner, and what consideration, if any, was given for the property.

(2) A person who neglects or fails to comply with a requirement under this section is guilty of an offence and is liable on conviction to a fine not exceeding three years or to both.

(3) The powers of the Commission under this section may be exercised only by the Director.

27.(1) The Commission may apply ex-parte to the court for an order requiring an associate of a suspected person to provide, within a reasonable time specified in the order, a written statement stating, in relation to any property specified by the Director, whether the property was acquired by purchase, gift, inheritance or in some other manner, and what consideration, if any, was given for the property.

32. Without prejudice to the generality of Arrest of section 23(3), the Director and an investigator shall have power to arrest any person for and charge them with an offence, and to detain them for the purpose of an investigator, to the like extent as a police officer.

36.(1) The Commission shall prepare quarterly reports setting out the number of reports made to the Director of Public Prosecutions under section 35 and such other information relating to those reports as the Commission considers appropriate.
Sections 35(3), 38 and 39 of Act No. 4 of 2003 which it is proposed to amend -

Investigations. 35.(3) The Commission may refer a matter to another appropriate body for investigation and that body shall investigate the matter within a reasonable time and submit a report to the Commission on its findings.

Proceedings. 38. If, as a result of an investigation under this Part, the Commission is of the view that civil or criminal proceedings ought to be considered, the Commission shall refer the matter to the Attorney-General or other appropriate authority.

Exceptions. 39. This part (section 35 excepted) does not apply with respect to offices for which the Constitution provides a procedure for removal for misbehavior.

Section 5(3) of Act No. 17 of 2007 which it is proposed to amend

Term of office. 2. (1) The Chairperson and the commissioners shall hold office for term of three years and shall be eligible for re-appointment for one further term of three years.

19.(2) (Section not available in the Act)

Sections and 2 and 6(1) of Act No. 13 of 2003 which it is proposed to amend –

“counterfeiting” means taking the following actions without the authority of the owner of intellectual property right subsisting in Kenya or elsewhere in respect of protected goods –

(e) the manufacture, production, packaging, re-packaging, labeling or making, whether in Kenya or elsewhere, of any goods whereby those protected goods are limited in such manner and to such a degree that those other goods are identical or substantially similar copies of the protected goods;

(f) the manufacture, production or making, whether in Kenya or elsewhere, the subject matter of that intellectual property, or a colourable imitation thereof
so that the goods are calculated to be confused with or be manufactured, produced or man under his licence;

(g) the manufacturing, producing or making of copies, in Kenya or elsewhere, in violation of an author’s rights or related rights;

(h) in relation to medicine, the deliberate and fraudulent mislabeling of medicine with respect to identity or source, whether or not such products have correct ingredients, have sufficient active ingredients or have fake packaging;

6.(l) The management of the Agency shall vest in a Board which shall consist of -

(p) a Chairman appointed by the Minister;

(q) the permanent secretary in the Ministry for the time being responsible for matters relating to industrialization or his representative;

(r) the permanent secretary in the Ministry for the time being responsible for matters relating to trade or his representative;

(s) the Permanent Secretary in the Ministry for the time being responsible for matters relating to finance or his representative;

(t) the Attorney-General or his representative;

(ee) the Director of Public Prosecutions;

(u) the Commissioner for Customs Service or his representative;

(v) the Executive Director of Kenya Copyright Board or his representative;

(w) the managing Director of Kenya Industrial Property Institute or his representative;
(x) the Managing Director of the Kenya Plant Health Inspectorate Service or his representative;

(y) the managing director of the Kenya Bureau of Standards or his representative;

(z) the Chief Executive of the Kenya Association of Manufacturers or his representative;

(aa) the Executive Director appointed under section 10;

(bb) the Registrar, Pharmacy and Poisons Board; of internal Trade or his representative;

(cc) one person from the private sector with knowledge in intellectual property rights appointed by the Minister; and

(dd) one person from the private sector with knowledge in consumer protection appointed by the Minister;

(2) A person shall not qualify to be appointed as Chairman under subsection (1)(a) unless such person is a holder of a degree in law or science from a recognized institution, and has at least five years working experience in the field of trade, industry or intellectual property

Section 2, 21(1), 91(1), 91(4), (388) and 427 of Act No. 4 of 2009 which it is proposed to amend –

21.(1) having regard to the matters mentioned in section 19(1)(a), (b) or (c), it would be detrimental to the interests of Kenya or of international shipping for a registered ship to continue to be registered;

91.(1) (a) on a signal being made to her from any ship or aircraft belonging to the Armed Forces;

91.(4) Where there are hoisted on board any Kenyan ship, any colours or pendant usually worn by ships of the Defence Force of Kenya or the national colours of any other State, the master of the ship, or the owner thereof if he is on board the ship,
and every other person hoisting the pendant or colours, commits an offence and shall be liable upon conviction to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment and to seizure of the colours or pendant by the State.

388. Limitation of liability under this Part shall not apply to the following claims—

(c) claims for salvage under section 338 and corresponding claims under a contract;

427. Prosecutions in respect of offences under this Act may, without prejudice to the provisions of any other law relating to prosecutions, be conducted by any officer appointed under this Act and specially authorized in writing in that behalf by the Attorney-General.

Section 16(22), 16(3) and 17(1) of Act No.10 of 2009 which it is proposed to amend—

16(2)(c) eight youths nominated by the Council and appointed by the Minister;

(d) one person each nominated by each of the following bodies, and appointed by the Minister—

(3) The Joint forum of religious organizations referred to in subsection (2)(d)(iv) shall consist of representatives of—

(e) the Supreme Council of Kenya Muslims;

(f) the Kenya Episcopal Conference;

(g) the National Council of Churches of Kenya; and

(h) the Hindu Council of Kenya.

17.(1) The principal function of the Board is to advise the Council generally on the exercise of its
powers and the performance of its functions under this Act.

(2) The Board shall have such other functions as may be conferred on it by or under this Act.

Sections 14(1), 22(1) and 23(2), (3) of Act No. 2 of 2011 which it is proposed to amend –

14.(1) gather relevant information, including requisition of reports, records, documents, or any information from any source, including governmental authorities, and to compel the production of such information as and when necessary.

22.(1) A judge or magistrate who has undergone the vetting process and is dissatisfied with the determination of the Board may request for a review by the same panel within seven days of being informed of the final determination under section 21(1).

23.(2) The Board shall be divided into three panels for purposes of vetting, and the three panels shall vet the judges simultaneously while the Judicial Service Commission shall vet the Magistrates.

(3) The vetting process once commenced shall be concluded not later than the 28th February, 2013, and any review of the decision of the Board or of the Judicial Service Commission shall be heard and concluded within the above specified period.

Section 6(1) of No. 8 of 2011 which it is proposed to amend –

6.(1) An independent office shall become vacant if the holder –

(d) dies;

(e) by a notice in writing addressed to the President, resigns from office; or
(f) is removed from office under any of the circumstances specified in Article 251 or Chapter Six of the Constitution.

Sections 4(3) and 16(1) of No. 10 of 2011 which it is proposed to amend –

4. (3) The chairperson and members shall serve on part-time basis for a non-renewable term of six years.

Appointment of secretary of the Commission.

16.(1) The appointment of the secretary to the Commission under Article 250(12) of the Constitution shall be through a competitive recruitment process and the prior approval of the National Assembly.

Section 34(1) Act No. 11 of 2011 which it is proposed to amend –

34A.(1) The President shall, within a period not later than one hundred and ten days prior to the first general elections under the Constitution, or of the occurrence of a vacancy in the Office of Registrar or Assistant Registrar, and with the approval of the National Assembly, appoint a Selection Committee comprising -

Paragraph 8 of the Seventh Schedule to No.11 of 2011 which it is proposed to delete –

8. The selection Committee shall elect a chairperson and vice-chairperson from among its number.

Section 14(b) of the National Police Service Act No. 11A of 2011 which it is proposed to delete –

(d) ensure that at all times one of the three positions of the Inspector-General and the two Deputy Inspector-Generals is of opposite gender.
Section 5, 9 of Act No. 13 of 2011 which it proposed to amend

5.(1) Subject to subsection (3), an urban area may be classified as a city under this Act if the urban area satisfies the following criteria—

(b) has a population of at least five hundred thousand residents according to the final gazette results of the last population census carried out by an institution authorized under any written law, preceding the application for grant of city status.

(c) has an integrated urban area or city development plan in accordance with this Act;

(d) has demonstrable capacity to generate sufficient revenue to sustain its operation;

(e) has demonstrable good system and records of prudent management;

(f) has the capacity to effectively and efficiently deliver essential services to its residents as provided in the First Schedule;

(g) has institutionalized active participation by its residents in the management of its affairs;

(h) has infrastructural facilities, including but not limited to roads, street lighting, markets and fire stations, and an adequate capacity for disaster management; and

(i) has a capacity for functional and effective waste disposal.

(2) Nothing in this section may preclude an area from being conferred with status of special purpose city under this Act if it has significant cultural, economical or political importance.
Section 9(3) of No.13 of 2011 which it is proposed to amend

(3) A town is eligible for the conferment for the conferment of municipal status under this Act if the town satisfies the following criteria –

(a) has a population of at least two hundred and fifty thousand residents according to the final gazette results of the last population census carried out by an institution authorized under any written law, preceding the grant;

Section 10(2) of No. 13 of 2011 which it is proposed to amend -

10.(2) a population of at least ten thousand residents according to the final gazette results of the latest population census carried out by an institution authorized under any written law, preceding the grant;

The long title to No. 20 of 2011 which it is proposed to amend -

An Act of Parliament to establish the Industrial Court as a superior court of record; to confer jurisdiction on the Court with respect to employment and labour relations and for connected purposes

Section (1) of No. 20 of 2011 which it is proposed to amend

2. This Act may be cited as the Industrial Court Act, 2011.

2 “principal Judge” means the Principal Judge of the Court;

Section 3(1) of No. 20 of 2011 which it is proposed to amend –

3.(1) The principal objective of this Act is to enable the Court to facilitate the just, expeditious and proportionate resolution of disputes governed by this Act.

Section 4 of No. 20 of 2011 which it is proposed to delete -
Section 5(1) of No. 20 of 2011 which it is proposed to amend –

5.(1)(a) the Principal Judge; and

(b)such number of Judges as the President may, acting on the recommendations of the Judicial Service Commission, appoint.

Subsections (2), (3), (4) and (5) of No. 20 of 2011 which it is proposed to delete -

6. holds the qualifications specified in paragraph (a) and (b) for a period amounting in the aggregate, to ten years.

Section 7(2) of No. 20 of 2011 which it is proposed to amend –

(2) Subject to provisions of the Constitution, the Principal Judge may elect either to retire from office or to continue serving as Judge of the Court upon expiry of the Principal Judge’s term.

Section 8 of No. 20 of 2011 which it is proposed to delete –

8.(1) The remuneration and benefits payable to or in respect of Judges shall be a charge on the Consolidated Fund.

(2) The administrative expenses of the Court and other expenses of the Court in the discharge of its functions shall be paid from the Judiciary Fund established under Article 173 of the Constitution.

Section 9(1)(b) of No. 20 of 2011 which it is proposed to delete –

9.(1)(b) the Senior Deputy Registrar, one or more Deputy Registrars and one or more Assistant Registrars, as the administration of justice requires; and
Section 9(2) of No. 20 of 2011 which it is proposed to amend -

(2) The officers of the Court shall perform the administrative functions of the Court under the supervision and control of the Registrar.

Subsections (3), (4) and (5) of Section 9 of No.20 of 2011 which it is proposed to delete –

(3) The Senior Deputy Registrar, Deputy Registrar or Assistant Registrar of the Court may perform such other functions of the Registrar as the Registrar may delegate generally or specifically.

(4) The Senior Deputy Registrar, Deputy Registrar of the Court or if there is more than one, the most Senior Deputy Registrar shall act as Registrar of the Court whenever –

(e) the Registrar is for any reason, temporarily unable to perform the functions of the registrar; or

(f) the office of the Registrar is vacant.

(g) demonstrate competence in the performance of administrative duties for not less than three years.

Section 11 of No. 20 of 2011 which it is proposed to section 12 of No. 2011 which it is proposed to amend –

Section 13 of No. 20 of 2011 which it is proposed to amend—

13. A judgment, award, order or decree of the Court shall be enforceable in accordance with the rules made under this Act.
Section 14 of No. 20 of 2011 which it is proposed to amend

14. The seal of the Court shall be such device as may be determined by the Court and shall be kept in the custody of the Registrar.

Section 15(2) and (3) of No. 20 of 2011 which it is proposed to delete -

15.(2) The Court may refuse to determine any dispute, other than an appeal or review before the Court is satisfied that there has been no attempt to effect a settlement pursuant to subsection (1).

(3) Subject to any other written law, a certificate issued by a conciliator accompanied by the record or evidence of the minutes of the conciliation meetings giving reasons for the decisions as arrived at by the conciliator, shall be sufficient proof that an attempt has been made to resolve the dispute through conciliation, but the dispute remains unresolved.

Section 17(2) of No. 20 of 2011 which it is proposed to delete –

17. (2) An appeal from a judgment, award, decision, decree or order of the Court shall lie only on matters of law.

Subsections 20 (1), (2), (3) and (7) of No. 20 of 2011 which it is proposed to amend –

18. The Court shall have appellate jurisdiction to hear and determine appeals from –

(e) decisions of the Registrar of Trade Unions; and

(f) Any other court, local tribunal or commission as prescribed under any written law.
20.(1) In any proceedings to which this Act applies, the Court shall act without undue regard to technicalities and shall not be strictly bound by rules of evidence except in criminal matters:

Provided that the Court may inform itself on any matter as it considers just and may take into account opinion evidence and such facts as it considers relevant and material to the proceedings.

(2) The Court shall have power to summon witnesses, to administer oaths and affirmations and to require any person who appears to it to have special knowledge of any relevant matter, or of any of the matters to which this Act applies or any written law to which it relates to furnish, in writing or otherwise, and to confirm on oath, such expert opinion as may be relevant to any of the issues in the proceedings.

(3) The experts referred to in subsection (2) shall be paid in accordance with the Rules.

(7)(b) is required by an order made under subsection (4) to furnish information, and who makes any statement or furnishes any information which the person knows, or has reasonable cause to believe, to be false or misleading in material particular,

commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Section 21(2) of No. 20 of 2011 which it is proposed to amend –

Section 22 of No. 20 of 2011 which it is proposed to amend –

22. In any proceedings before the Court or a subordinate industrial court, a party to the proceedings may act in person or be represented by an advocate, an office bearer or official of the
party's trade union or employers' organisation and, if the party is a juristic person, by a director or an employee specially authorised for that purpose.

**Paragraph (a) of section 24 of No. 20 of 2011 which it is proposed to amend**

24(a) the Principal Judge who shall be the chairperson;

**Section 27 of No. 20 of 2011 which it is proposed to amend**

27. (1) The Chief Justice, may in consultation with the Committee, make rules for regulating the practice and procedure of the Court.

(2) Without prejudice to the generality of subsection (1), such rules may provide for—

(a) regulating the sittings of the Court and the selection of Judges for any purpose;

(b) prescribing forms and fees in respect of proceedings in the Court and regulating the costs of and incidental to any such proceedings;

(c) prescribing the time within which any requirement of the rules is to be complied with; and

(d) any other matter required under this Act or any other written law.

**Section 28 of No. 20 of 2011 which it is proposed to delete**

28. All appointments under this Act shall be in accordance with Article 232(1)(i) of the Constitution and the appointees shall be required to meet the requirements of Chapter Six of the Constitution.
Section 29(5) of No. 20 of 2011 which it is proposed to delete –

29.(5) Appeals on matters relating to employment and labour relations from the designated magistrate’s court shall lie with the Court.

Section 30 of No. 20 of 2011 which it is proposed to delete

32.(3) The persons who at the commencement of this Act are members of the Industrial Court shall be deemed to have been appointed under this Act.

Section 35 of No. 20 of 2011 which it is proposed to amend

35. Any other written law relating to the regulation of employment and labour relations shall have effect subject to such modification as may be necessary to give effect to this Act, and where the provisions of any law conflict with the provisions of this Act, the provisions of this Act shall prevail.

Section 11(2), 11(3) of Act No. 22 of 2011 which it is proposed to amend –

(2) Any person who contravenes subsection 9(1)(i) commits an offence.

(3) The Commission may cooperate and collaborate with other state organs and agencies in the prevention and investigation for corruption.

Section 8(1) of Act No. 28 of 2011 which it is proposed to amend -

(g) six other members, not being public officers, nominated or selected through a competitive process taking into account regional balance and gender parity and appointed by the Minister, of whom –
Section 8(3) of No. 28 of 2011 which it is proposed to delete –

Section 14(1) of No. 28 of 2011 which it is proposed to amend –

14.(1) The Minister shall, in consultation with the Board of the Authority and subject to subsection (2), appoint the Director-General of the Authority through a competitive process and with the prior approval of the National Assembly.

Section 20(2)(g) of No. 28 of 2011 which it is proposed to amend –

20.(2) (g) six other members, not being public officers, nominated or selected through a competitive process taking into account regional balance and gender parity and appointed by the Minister, of whom –

Section 20(4) of No. 28 of 2011 which it is proposed to delete –

20.(4) The names of person proposed for appointment under subsection (2)(a) and (g) shall, before they are appointed, be laid before the National Assembly for approval.

Section 25(1) of No. 28 of 2011 which it is proposed to amend –

25.(1) The Minister shall, in consultation with the Council and subject to subsection (2), appoint the Principal of the College through a competitive process and with the prior approval of the National Assembly.

Section 32(1)(f) of No. 28 of 2011 which it is proposed to amend –

32.(1)(f) five other members nominated or selected through a competitive process taking into consideration regional balance and gender parity and appointed by the Minister, of whom –
Section 32(2) of No. 28 of 2011 which it is proposed to delete -

(2) The names of persons proposed for appointment under subsection (1)(a) and (f) shall, before they are appointed, be laid before the National Assembly for approval.

Section 43(1) and (2) of No. 28 of 2011 which it is proposed to amend -

43.(1) There shall be a Board of the Convention Centre which shall consist of -

(g) a chairperson appointed by the President;

(h) the Permanent Secretary of the ministry for the time being responsible for matter relating to tourism or his representative;

(i) the Permanent Secretary of the ministry for the time being responsible for matters relating to finance or his representative;

(j) the Chief Executive Officer of the Tourism Board;

(k) the Chief Executive Officer of the Convention Centre, who shall be the secretary; and

(l) five other members, not being public officers, appointed by the Minister through a competitive process taking into account regional balance and gender parity, of whom -

(j) two shall be nominated by the registered national tourism associations; and

(ii) three shall be person with knowledge or experience in matters relating to business management or marketing.
Section 48(1) of No. 28 of 2011 which it is proposed to amend –

48.(1) The Minister shall, in consultation with the Board of the Convention Centre and subject to subsection (2), appoint a person to be Chief Executive Officer of the Convention Centre through a competitive process and with prior approval of the National Assembly.

Section 54(1) of No. 28 of 2011 which it is proposed to amend –

54.(1)(h) six other members appointed by the Minister through a competitive process, taking into account regional balance and gender parity, of whom –

Section 54(2) of No. 28 of 2011 which it is proposed to delete –

(2) The names of persons proposed for appointment under subsection (1)(a) and (h) shall, before they are appointed, be laid before the National Assembly for approval.

Section 67(4) and (5) of No. 28 of 2011 which it is proposed to amend –

67.(4) (d) six other members appointed by the Minister through a competitive process taking into account regional balance and gender parity, of whom –

(5) The names of persons proposed for appointment under subsection (4)(a) and (d) shall, before they are appointed, be laid before the National Assembly for approval.

Section 73(1) of No. 28 of 2011 which it is proposed to amend –

73.(1) The Minister shall, in consultation with the Board of Trustees and subject to subsection (2), appoint the Chief Executive Officer to the Fund through a
competitive process and with the prior approval of the National Assembly.

Section 77(1) and (2) of No. 28 of 2011 which it is proposed to amend—

(2) The names of persons proposed for appointment under subsection (1)(a) and (e) shall, before they are appointed, be laid before the National for approval.

Section 82(1) of No. 28 of 2011 which it is proposed to amend

82.(1) The Minister shall, in consultation with the Board of the Corporation and subject to subsection (2), appoint a Chief Executive Officer to the Corporation through a competitive process and with prior approval of the National Assembly.

Section 2(1) of No. 29 of 2011 which it is proposed to amend-

“public health officer” shall have the meaning assigned to it under the Public Health Act (Cap. 242);

Section 24(1) of Act No. 1 of 2012 which it is proposed to amend—

24.(1)(b) whether a framework for service delivery has been put into place to implement the function;

(g) whether, where applicable, the county government has identifies or established administrative units related to the function;

(h) whether the county government has undertaken a capacity assessment in relation to the function;

(i) the arrangements for and the extent and the extent of further decentralization of the function and provision of related services by the county government;
(j) whether there is the required infrastructure and systems to deliver the function;

(k) whether the county government has the necessary financial management systems in place;

(i) any other variable as may be prescribed after consultations between the Authority county governments and the Commission for the Implementation of the Constitution and the Commission on Revenue Allocation.

Section 37(1) of No. 1 of 2012 which it is proposed to delete –

37.(1) The Authority shall stand dissolved three years after the first general elections under the Constitution or upon the full transition to county governments, whichever is the earlier.

Sections 6(1) and (4) of No. 9 of 2012 which it is proposed to amend –

(b) the Permanent Secretary in the ministry for the time being responsible for the Public Service;

(c) the Permanent Secretary in the ministry for the time being responsible for finance;

(h) the Permanent Secretary in the ministry for the time being responsible for higher education;

6.(4) The Chairperson and the members of the Council appointed under subsection (1)(f), (g) and (i) shall hold office for a term not exceeding five years and shall be eligible for reappointment for one further term.

Section 8(c) of No. 9 of 2012 which it is proposed to delete –

8(c) hire the Director-General and other staff of the School;

Section 9(3) of No. 9 of 2012 which it is proposed delete –
9.(3) The members of the Council shall attend the meetings of the Council in person and not by proxy or alternates.

Section 4(2) of No. 17 of 2012 which it is proposed to amend –

4.(2) The County Executive shall develop the symbols of the county through a consultative process for approval by the county assembly by legislation.

Section 5(2) of No. 17 of 2012 which it is proposed to amend –

5(2) Without prejudice to the generality of subsection (1), a county government shall be responsible for –

Section 26(2) of No. 17 of 2012 which it is proposed to amend –

26.(1) There shall be not more than one thousand four hundred and fifty electoral wards for purposes of the election of county assembly members.

Section 32(1) of No. 17 of 2012 which it is proposed to amend –

32.(1) The deputy governor shall take and subscribe to the oath or affirmation as set out in the Schedule to this Act before assuming office.

Section of 38 No. 17 of 2012 which it is proposed to amend –

38. A person appointed as a member of the county executive committee under Article 179 of the Constitution shall take the prescribed oath or affirmation of office provided in the Schedule to this Act before assuming office.

Section 45(4) of No. 17 of 2012 which it is proposed to amend –

45.(4) The county chief officer shall be the authorized officer in respect of exercise of delegated power.
Section 46(2) of No. 17 of 2012 which it is proposed to amend –

54.(2) There is established for every county a forum to be known as the county intergovernmental forum which shall be chaired by the governor or in his absence, the deputy governor, or in the absence of both, a member of the county executive committee designated by the governor.

Section 54(2),(3) and (4) of No. 17 of 2012 which it is proposed to delete and substitute –

(3) The county intergovernmental forum shall comprise –

(a) The heads of all departments of the national government rendering services in the county; and

(b) The county executive committee members or their nominees appointed by them in writing.

(4) The Intergovernmental forum shall, pursuant to the Fourth Schedule (Articles 185(2), 186(1) and 187(2) of the Constitution, be responsible for –

(a) harmonization of services rendered in the county;

(b) coordination of development activities in the county;

(c) coordination of intergovernmental functions;

and

(d) such other functions as may be provided for by or under any law.

Section 59(2) of No. 17 of 2012 which it is proposed to amend –

59.(2) In appointing a person as a secretary to a board of a city or an urban area under subsection (1)(a), the County Public Service Board shall ensure that such person is a certified public
Service Board shall ensure that such person is a certified Public Secretary of good professional standing.

Section 81(3) of No. 17 of 2012 which it is proposed to amend –

81.(3)(c) forward all the documents referred to in the subsection to the County Public Service Board.

Section 88(3) of No. 17 of 2012 which it is proposed to amend –

88.(3) County legislation shall give further effect to section 88(1).

Section 121(2) of No. 17 of 2012 which it is proposed to amend –

121.(2) (a) on its own initiative or on request by a county government or group of persons, assess the performance of a county government with a view to determine its support requirements;

(b) make a report on the assessment made under paragraph (a) and the capacity needs of the county governments;

Sections 5(1) of Act No. 18 of 2012 which it is proposed to amend –

5.(1) A county Executive Committee member for finance may, with the approval of the county executive committee and county assembly, by order in the Gazette, declare a county corporation, an authority or any other body whose functions fall under that county government to be a county government entity for the purposes of this Act.

52.(1) Pursuant to Article 80(c) of the Constitution, the provisions of Chapter Six of the Constitution and Part II of this Act except section 18 shall apply to all public officers as if they were State officers.

Section 2 of No. 19 of 2012 which it is proposed to amend 13(1), 13(2), 52(1), 55
Section 96(1) of No. 23 of 2012

Sections 8(3), 8(4), 10(d), 11(1), 12, 13(1), 16(1), 17(1), 19, 28, 28(3), 29(2), 32(1), 32(2), 33, 34(1), 34(2), 35(1), 96(1), 112, 113, (115), 123, 126(3), 142(6), 196, 199, 210(1), 210(2), 210(3), 213(2), 213(6), 245 Act No. 25 of 2012 which it is proposed to amend—

8.(3) Where the Defence Forces is deployed for any purpose contemplated in subsection (1)(b) and (c), the Cabinet Secretary shall inform the National Assembly promptly and in appropriate detail of the—

(h) reasons for such deployment;

(i) place where the Defence Forces is being deployed;

(j) number of persons involved;

(k) period for which the Defence Forces is expected to be deployed; and

(l) expenditure incurred or expected to be incurred.

(4) If the National Assembly is not in session during the first seven days after the deployment of the Defence Forces as contemplated in subsection (3), the Defence Council shall, through the President, provide the information required in that subsection (3) to the Speaker of the National Assembly.

10.(d) perform such functions, in particular those necessary for the control and administration of the Defence Forces, as may be delegated to the Cabinet Secretary, by—

(i) the President over the Defence Forces; or

(iii) Parliament over the Ministry;
(h)(i) a report by the Chief of the Kenya Defence Forces on each Service of the Defence Forces indicating the expenditures, work and accomplishments of the Service;

11.(1) The Cabinet Secretary may, where appropriate and in writing, delegate any power or assign any duty conferred on him or her under this Act to—

(a) the Chief of the Defence Forces; or

(b) any member of the Defence Forces with the approval of the Chief of the Defence Forces and through the Service Commanders.

12.(i) be responsible for implementing the deployment of members of the Defence Forces in accordance with an authorization by the National Security Council and Defence Council granted in accordance with Articles 240(8) and 241(3)(c) of the Constitution and this Act;

13.(1)(a) any member of the Defence Forces, through the Service Commanders; or

(b) any employee of the Ministry, with the approval of the Cabinet Secretary.

16.(1) commission research and benchmark against best practices on the Service;

17.(1) (b) any employee of the Ministry, with the approval of the Cabinet Secretary and the Chief of the Defence Forces.

19.(2) The Defence Council shall appoint a public officer or a member of the Defence Forces to be the secretary to the Council.

28.(2) In developing the criteria for the recruitment, promotion and transfer of members of the Defence Forces,
the Defence Council shall consult with the Public Service Commission.

(3) The Defence Council shall advertise the chances allocated per county at least thirty days before recruitment.

29.(2) The Defence Council shall, in consultation with the Public Service Commission, determine the conditions of service of members of the Defence Forces.

32. (1) Pursuant to Article 241(3) (c) of the Constitution, the Defence Council may deploy the Defence Forces in any part of Kenya affected by unrest or instability to restore peace.

(2) Whenever the Defence Forces are deployed to restore peace in any part of Kenya pursuant to subsection (1), the Chief of the Defence Forces shall be responsible for the administration, control and overall superintendence of the operation.

33. (1) The Defence Forces may be deployed in a joint operation and in support of the National Police Service in situations of emergency or disaster.

(2) The Defence Forces may, with the approval of the National Assembly, be deployed to restore peace in any part of Kenya.

(3) Whenever the Defence Forces are deployed pursuant to subsection (2), the Inspector-General of the National Police Service shall be responsible for the administration, command, control and overall superintendence of the operation.

35. (1) Whenever the Defence Forces or any portion or member thereof has been deployed under section 33, that member of the Defence Forces shall have the same powers and exercise the same duties as those conferred or imposed upon a member of the National Police Service.

96.(1) A person who is subject to this Act commits offence if that person –

(a) loses, or by negligence damages any public
property or non-property of which the person has the charge or which has been entrusted to the person’s care, or which forms part of property of which the person has the charge or which forms part of property of which the person has the charge or which has been entrusted to the person’s care, or any service decoration granted to the person;

Section 112 of No. 25 of 2012 which it is proposed to amend -

112. A person who is subject to this Act commits an offence if that person, when before a recruiting officer for the purpose of being attested under this Act knowingly gives a false answer to any question contained in the attestation paper and put to the person by or by the direction of the recruiting officer.

Section 113 of No. 25 of 2012 which it is proposed to amend –

113. Any person subject to this Act who knowingly –

(c) gives a false answer to any question set out in any document required to be completed, or

(d) furnishes any false information or false document, in relation to the enrolment of that person;

commits an offence and on conviction is liable to imprisonment for a term of less than two years or to lesser punishment.

Section 115 of No. 25 of 2012 which it is proposed to amend –

115. A person subject to this Act who –

(e) willfully or negligently makes a false statement or entry in a document made or signed by that person and required for official purposes or who,
being aware of the falsity of a statement or entry in a document so required, orders the making or signing thereof;

(f) when signing a document required for official purposes, leaves in blank any material part for which the signature is a voucher;

(g) with intent to injure any person or with, intent to deceive, suppresses, defaces, alters or makes away with any document or file kept, made or issued for any military or departmental purposes,

commits an offence and on conviction is liable to imprisonment for a term not exceeding three years or to lesser punishment.

Section 123 of No. 25 of 2012 which it is proposed to amend

123. A person subject to this Act who negligently or deliberately fires or discharges ammunition from a weapon in the person's charge or entrusted to the person's care, or which forms part of property within the person's charge or issued to the person for use for service purposes, commits an offence and, shall be liable, on conviction by a court martial, be liable to imprisonment —

Section 126(3) of No. 25 of the 2012 which it is proposed to amend

126.(3) Where the offence is committed in time of emergency, general mobilization or war, the person shall on conviction by a court martial to imprisonment for a term not exceeding ten years or to a lesser punishment provided for in this Act.

Section 142(6) No. 25 of the 2012 which it is proposed to amend

142.(6) The provisions of the Criminal Procedure Act relating to the constitution and procedure of Magistrates' Courts, powers of adjournment and remand of persons
accused, and relating to evidence and the issue and enforcement of summonses or warrants to secure the attendance of witnesses, shall apply to proceedings under this section.

Section 157(2) of No. 25 of the 2012 which it is proposed to amend -

Section 196(3) of No. 25 of the 2012 which it is proposed to amend -

196. In the case of an appeal, under this Part, it shall be the duty of the Defence Court Administrator to furnish the Registrar, in accordance with rules of court, with a record of the proceedings of the court martial.

Section 199 of No. 25 of the 2012 which it is proposed to amend -

199. Subject to this Part and to any rules of court, Procedure the provisions of the Criminal Procedure Act relating to the hearing of appeals from subordinate courts shall apply to the hearing and determination of appeals under this Part.

Section 210(1), (2), (3) and (4) of No. 25 of the 2012 which it is proposed to amend -

210. (1) A person shall not be tried by a court martial for an offence under this Act, other than an offence under sections 72, 73, or 74 (1) (a), unless the trial is begun within three years after the commission of the offence, subject to subsections (2) and (3).

(2) When calculating a period contemplated in subsection (1), any period during which a person was illegally absent or a prisoner of war shall be disregarded.

(a) in the case of an offence under section 133, if any written law requires that proceedings for the corresponding civil offence shall be brought within a
particular time, that time limit shall apply to the trial of the offence under that section instead of three years (the same periods being disregarded); and

(b) subject to any time limit applicable by virtue of paragraph (a), a person may be tried by a court martial for a civil offence committed outside Kenya despite the fact that it was committed more than three years before the beginning of the trial, if the Director of Public Prosecutions consents to the trial.

(4) A person shall not be tried by a court martial for an offence under Part VI, other than an offence under sections 72, 73 or 74 (1) (a), unless—

(a) the trial is begun within three months after the person ceases to be subject to this Act; or

(b) the trial is for a civil offence committed outside Kenya and the Director of Public Prosecutions consents to the trial.

Section 213(2) and (3) of No. 25 of the 2012 which it is proposed to amend—

(2) A person shall not be appointed as the Director of Military Prosecutions unless the person is—

(c) an officer of at least the rank of Brigadier; and

(d) an advocate of the High Court of Kenya of not less than ten years standing.

(3) A person appointed as the Director of Military Prosecutions under this section shall—

(a) have power to direct military police to investigate any information or allegation of criminal conduct, and a military police shall comply with any such direction;
(b) exercise powers of prosecution under this Act and shall undertake prosecutions at a court martial against any person subject to this Act in respect of any alleged offence under Part VI;

(c) have power with the permission of the Judge Advocate to discontinue any proceedings before a court martial at any stage before summing up by Judge Advocate.

(4) The Director of Military Prosecutions shall not discontinue proceedings before a courts martial unless with the permission of the Judge Advocate.

(5) Except as provided for in this Act, the Director of Military Prosecutions shall not require the consent of any person or authority for prosecutions and, in the exercise of the powers or functions under subsection (3) of this section shall not be under the direction or control of any person or authority.

(6) The office of the Director of Military Prosecutions shall be a separate office from that of the legal department in the Defence Forces or Ministry.

Section 245(g) and (10) of No. 25 of the 2012 which it is proposed to amend -

245. Protection of members on active service.

(9) A member who is receiving the treatment referred to in subsection (8) shall receive his or her pay and allowances on their becoming due and such period of treatment shall for all purposes be regarded as duty.

(10) The Government shall compensate members or families of members of the Defence Forces, as the case may be, who lose their lives or suffer disabilities while exercising military service or training.

Section 270 of No. 25 of the 2012 which it is proposed to delete -

270. (1) A member of the Defence Forces shall not subject any person to torture, cruel, inhuman or degrading treatment.
(4) A member of the Defence Forces who subjects a person to torture commits an offence and is liable on conviction to a fine not exceeding ten million shillings or imprisonment for a term not exceeding twenty five years or both.

(5) A member of the Defence Forces who subjects a person to cruel, inhuman or degrading treatment commits an offence and is liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding fifteen years or both.

(6) In this section –

“cruel, inhuman or degrading treatment or punishment” means a deliberate and aggravated treatment or punishment not amounting to torture, inflicted by a person in authority or the agent of the person in authority against a person under his or her custody, causing suffering, gross humiliation or debasement to the person;

“torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purpose of –

(i) obtaining information or a confession from the person or from a third person;

(ii) punishing the person for an act which that person or a third person has committed or is suspected of having committed;

(iv) for any reason based on discrimination of any kind,

when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.
Sections 4(2) and 4(4) of Act No. 26 of 2012 which it is proposed to amend —

(h) provide train paralegal training;

Sections 6(2)(e) of Act No. 26 of 2012 which it is proposed to amend —

6.(1)(e) the Secretary to the Commission for higher Education;

(f) administer the property and funds of the School in a transparent and accountable manner and for such purpose as shall promote the functions of the School;

Sections 7(2) of Act No. 26 of 2012 which it is proposed to amend —

Paragraph 1 of the Second Schedule to —

(2) A person shall be admitted to the School if;

(b) having passed the relevant examination of any recognized university in Kenya holds, or has become eligible for the conferment of the Bachelor of Laws Degree (LL.B) of that University; or

(ii) obtained a minimum grade B (plain) in English Language or Kiswahili and a mean grade of C (plus) in the Kenya Certificate of Secondary Education or its equivalent; or

Section 4(5(a) and section 4(8) of Act No.27 of 2012 which it is proposed to amend —

4.(5) the chairperson, who shall be a person with at least fifteen years' experience in the legal profession or in matters relating to legal education, upon whom the rank of senior Counsel has been conferred by the President under section 17 of the Advocates Act and who shall be appointed by the Attorney-General;
4.(8) A member of the Council appointed under subsection (5)(a),(g),(h) and (i), shall hold office for a term of four years and may be eligible for reappointment for one further term.

Section 4(3) of Act No. 28 of 2012 which it is proposed to amend—

4.(3) The Service shall consist of such maximum number of members as shall be determined from time to time by the National Security Council in consultation with the Director-General.

Section 5(1)(g) of Act No. 28 of 2012 which it is proposed to amend—

5.(1)(g) undertake to provide a confidential security report—

Section 16(1) of Act No. 28 of 2012 which it is proposed to amend—

16.(1) The Council shall appoint such number of members of the Service as may be necessary for the proper and efficient discharge of the functions of the Service.

Section 23(1) of Act No. 28 of 2012 which it is proposed to amend—

23.(1) Subject to Articles 234(2)(g) and 47 of the Constitution, the Council shall, in consultation with the Public Service Commission, issue and maintain a disciplinary code for the Service which may—

Section 36(1) of Act No. 28 of 2012 which it is proposed to amend—

Section 36(1) of Act No. 28 of 2012 which it is proposed to delete—

36.(2) The Service shall, prior to taking any action under this section, obtain a warrant under Part V.

(d) the Attorney-General; and
Section 64(1) of Act No. 28 of 2012 which it is proposed to amend—

64.(4) The functions of the Council shall be to advise the Service generally on all matters pertaining to—

(d) the national intelligence policies and strategies;

(e) the administration of the Service; and

(f) the expenditure of the Service.

Section 64 (4) of which it is proposed to delete and substitute —

Section 78(1) of which it is proposed to amend -

Regulations generally.

78.(1) The Cabinet Secretary may, in consultation with the Council make regulations generally prescribing anything required by this Act to be prescribed or generally for the better carrying out of the provisions of this Act.

Regulations by the Council.

79.(1) Notwithstanding the provisions of section 78(1), the Council may make regulations providing for—

Section 4 of No. 29 of 2012 which it is proposed to amend -

The definition of “Charter” in No. 42 of 2012 which it is proposed to amend -

“Charter” means the Charter granted to a university under section 19;

Section 5(3) of Act No. 28 of 2012 which it is proposed to amend—

5.(3) For the avoidance of doubt, save as may be provided for under any other written law, the Commission shall be the only body with the power to perform the functions set out in this section.

Section 13(3) of Act No. 28 of 2012 which it is proposed to amend—

13(3)(h) the core courses offered at the university;

Section 15(1) of Act No. 28 of 2012 which it is proposed to amend—
15.(1) An institution granted an Interim Letter of Authority under section 14 shall be a body corporate with perpetual succession and a common seal and capable, in its corporate name, of—

Section 20(1)(d) of Act No. 28 of 2012 which it is proposed to amend -

20.(1) may established campuses and constituent colleges which must conform to standards established by regulations made under this Act, and

Section 20(2) of Act No. 42 of 2012 which it is proposed to amend -

(2) Notwithstanding the generality of subsection (1), constituent colleges and campuses of universities shall not share premises with incompatible businesses

Section 25(2) of Act No. 42 of 2012 which it is proposed to amend -

25. (2) Where a declaration under this section is made with respect to a public institution, it shall only apply where such institution is a National Polytechnic within the meaning of the Technical and Vocational Education and Training Act, 2012.

Section 35(1)(a) (v) of Act No. 42 of 2012 which it is proposed to amend -

35.(1)(a)(v) in the case of a public university, recommend for appointment of the Vice-Chancellor, Deputy Vice-Chancellors and principals of constituent colleges through a competitive process; and

the Vice-Chancellor who shall be an ex-officio member of the Council.

Section 36(1), 38, 55(3), 66, 83, 84(1) of Act No. 42 of 2012 which it is proposed to amend -

4. The quorum for a meeting of the Board shall be seven members, who shall include five appointed members
Sections 2(1) of Act No.45 of 2012 which it is proposed to amend—

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to treaties;

Sections 5.2(1) of Act No.2 of 2013 which is proposed to amend—

"prosecution" means a prosecution under the jurisdiction of the director a proceeding respecting any offence, the prosecution or prospective prosecution which is under the jurisdiction of the Director and related to such a prosecution or proceeding and includes extraction proceedings and any appeal, revision or other proceeding related thereto.

Sections 26, 27, 28, 29 and 30 of Act No.5 of 2013 which it is proposed to amend—


28. There is established offices known as Kenya Commonwealth London Office and Kenya Paris Office in this Act referred to as Kenya Commonwealth Office respectively which offices shall—

(c) coordinate Commonwealth education matters; and

(d) provide linkages with international agencies dealing with education

Section 29 of Act No. 5 of 2013 which it is proposed to delete -

Head of Kenya Paris and Commonwealth London Office.

29. The Kenya Paris and Kenya Commonwealth Offices shall each be headed by a senior officer from the Ministry of Education appointed by the Cabinet Secretary or upon recommendations by the Board.

Section 30 of Act No. 5 of 2013 which it is proposed to delete -

Staff of the Kenya Paris and Commonwealth London Office.

30. The Cabinet Secretary shall in consultation with the Board appoint staff to the offices of Kenya Paris and Kenya Commonwealth Office as may be necessary for the proper and efficient discharge of the functions of the Commission under this Act.
Sections 2, 8(2), 10(2), 10(4), 11(2), 12, 13, 15(6), 21(8), 21(12), 22, 31, 33, 35(1), 35(3), 35(7), 38, 45(1), 45(6), 45(8), 46(1), 61(1), 61(3), 61(4), 68, para 2, para 4, para 7, para 9, fourth Schedule (para 15), fifth Schedule para 2(3), para 6, para 9, of No. 18 of 2013 which it is proposed to amend.

Section 2 of Act No. 11 of 2013 which it is proposed to amend -

2. "Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to planning and national development;

"international non-governmental organization" means a non-governmental organization with its original registration being in a country other than Kenya and operating in Kenya under a certificate of registration issued under section 10 of this Act;

Section 8(2)(a), (8) and 10(2) of Act No. 11 of 2013 which it is proposed to amend

8.(2) (a) a copy of the constitution or other constitutive document of the public benefit organization;

(8) A public benefit organization shall notify the Authority of any change in the particulars submitted under subsection (2) or (3) within sixty days of occurrence.

10.(2) A certificate of registration shall be a conclusive evidence of the authority to operate throughout Kenya as specified in the constitution of the public benefit organization or in the certificate of registration.

Section 11 of Act No. 11 of 2013 which it is proposed to amend -

10.(4) the organization is voluntarily deregistered;

Section 11 (2)(a) of Act No. 11 of 2013 which it is proposed to amend

11.(2) (a) exempt the organization from registration, and instead grant that organization a permit to operate in Kenya, if that organization does not intend to directly implement any activities or programmes in Kenya or operate from Kenya to implement any activities or programmes in another country;
Section 12 of Act No. 11 of 2013 which it is proposed to amend -

Presumption of Registration.

12. If, upon the expiry of sixty days from the date a public benefit organization made an application for registration under section 9(1), no decision has been made by the Authority, the public benefit organization may apply to the Tribunal for an order requiring the Authority to issue to it a certificate of registration or communicate to the organization that the registration has been refused, together with the reasons therefor.

Section 13(1) of Act No. 11 of 2013 which it is proposed to amend -

Effect of Registration.

13.(1) the certificate of registration issued by the Authority shall be conclusive evidence that the organization-

Section 15(6)(c) of Act No. 11 of 2013 which it is proposed to amend -

15(6)(c) all public benefit organizations which deregistered voluntarily were wound up or dissolved during the previous quarter of the financial year.

Section 21 (8) of Act No. 11 of 2013 which it is proposed to amend -

21.(8) Notwithstanding anything contained in the rules of the Federation, a member of the governing board of the Federation shall hold office for five years but shall be eligible for election for one more term.

Section 21(12) of Act No. 11 of 2013 which it is proposed to amend -

21.(12) The disputes referred to in subsection to in subsection (11) shall be disputes-

between any member of the Federation and the Federation;

(d) between the members of the Federation;

(e) between the Federation and the Authority;
Section 22(d) of Act No. 11 of 2013 which it is proposed to amend -

22.(d) subject to section 35(1)(h) and (i), not to nominate or appoint members of the Federation’s governing body; and

Section 31 of Act No. 11 of 2013 which it is proposed to amend -

31. within six months after the end of each financial year, every public benefit organization registered under this Act shall cause to be made and submitted to the Authority-

Section 35(1) of Act No. 11 of 2013 which it is proposed to amend -

35.(1) (a) the chairperson appointed by the Cabinet Secretary;

(f) three members, at least one of whom shall be of different gender from the other two, who have rendered distinguished service in the civil society, appointed by the Cabinet Secretary;

(m) one public officer representing the Principal Secretary responsible for such departments as the Authority shall determine;

(n) the Chairperson of the governing board of the Federation.

(i) two members of the governing board of the federation, being one woman and one man, nominated by the members of the governing board of the Federation and appointed by the Cabinet Secretary; and

(j) the Director.

Section 35(3) of Act No. 11 of 2013 which it is proposed to amend -

35.(3) No person shall be eligible for appointment under subsection (1) (b) or nomination under subsection (1) (g) unless such person has at least ten years; experience in the public benefit organization’s sector.
Section 36(1) of Act No. 11 of 2013 which it is proposed to amend -

36.(1) (e) has no subsisting office or membership in a public benefit organization.

Term of office.

37. the chairperson and the members of the Board of the Authority shall hold office for a term of three years and may be re-appointed for a further and final term of three years.

Oath of office.

38. The chairperson, the members of the Board of the Authority and the Director shall each make and subscribe to a prescribed oath or affirmation of office before the Chief Justice.

45. (1) there shall be a Director of the Authority who shall be appointed by the Authority.

(6) The director may be removed from office by the Board before expiry of the term set out in the instrument of appointment only for inability to exercise the functions of the office, whether arising from infirmity of body or mine or any other cause, or for misbehavior.

(8) The director shall be removed from office by the Board if the question of the Director’s removal has been referred to a special committee of the Board appointed for the purpose of considering the matter and -

(b) the committee has so recommended; and

(b) the Board has approved the committee’s recommendation by the votes of not less than two-thirds of all its members.

46.(1) the Board shall appoint a Deputy Director and such officers and other staff as are necessary for the proper discharge of the functions of the Authority under this Act, upon such terms and conditions of service as it may determine.

61.(1) A registered public benefit organization may deregister, wind itself up or dissolve voluntarily by sending to the Authority -

61.(1)(ii) specifying a date, not exceeding two months from the date of the resolution, on which the deregistration is to take effect; and
61.(3) upon receiving a resolution or notice of voluntary registration or winding up or dissolution from the a registered public benefit organization, the Authority shall on the date specified in the resolution or notice –

(b) cancel the organization’s certificate of registration, and deregister it by amending the register; and

(b) notify the organization in writing of the deregistration and confirm the date on which the amendment was made to the register.

61.(4) when an organization is deregistered, would up or dissolved, any asset remaining after all its liabilities have been met, shall be transferred to another public benefit organization through a resolution of the governing body of the organization being deregistered, would up or dissolved; otherwise, the Authority shall make this decision.

(c) such employees shall contribute towards the training of Kenyans to obtain scientific technical and managerial skills,

Apply in writing to the Principal Immigration Officer for the issuance of the required permits in accordance with the provisions of the Immigration Act.

THIRD SCHEDULE
PROCEDURE FOR NOMINATING MEMBERS OF THE BOARD OF THE AUTHORITY

3. The Cabinet Secretary shall, within fourteen days of the commencement of this Act, by advertisement in the Gazette and in at least three daily newspapers of national circulation, declare vacancies and invite applications from person qualified under this Act for nomination as members of the Board.

4. An application under paragraph 1 shall be forwarded to the Permanent Secretary of the Ministry for the time being responsible for planning and national development within
fourteen days of the advertisement and may be made by-

(c) Any qualified person; or

(d) Any person, organization or group of persons proposing the nomination of any qualified person.

4. The Cabinet Secretary shall, within seven days of the expiry of the period prescribed under paragraph 1, convene a committee comprising of representatives of a board spectrum of public benefit organizations for the purposes of considering the applications, interviewing and short listing twelve persons qualified for appointment as members of the Board.

7. the National Assembly shall, within fourteen days of the receipt of names under paragraph 6, through an open and consultative vetting process, consider all nominations and approve the names of six nominees for appointment as members of the Board.

9. where the National Assembly fails to approve the minimum number of nominees required, the Clerk of the National Assembly shall within three days of the decision communicate the names of the approved nominees and those of the rejected nominees to the Cabinet Secretary for the submission by the Cabinet Secretary, within seven days, of fresh nomination in respect of the rejected candidates.

FOURTH SCHEDULE

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF THE AUTHORITY

(5) the chairperson, or in his absence the vice-chairperson, shall preside at every meeting of the Board but the members present shall elect one of their number to preside whenever the chairperson and vice-chairperson are absent, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted there.
FIFTH SCHEDULE

TRANSITIONAL PROVISIONS

(3) On and after the appointed day, all actions, suits or legal proceedings by or against the former Board may be continued or prosecuted by or against the Commission and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

(4) Any reference in any written law or in any document or instrument to the former Board shall, on and after the

6.(1) a person, other than a public officer, who was a member of the former Board immediately before the commencement of this Act shall be deemed to be a member of the Board of the Authority and shall continue in office as if appointed under this Act for the remainder of the three year term as provided for under this Act and shall be eligible for re-appointment once.

(2) Until such time as the terms of all persons serving the remainder of their term under subparagraph (1) have lapsed, the Board shall be deemed to be properly constituted notwithstanding that it has more members than has been provided for in section 35 of this Act.

9. Members of the governing board of the Non-Governmental Organization Council in office immediately before the commencement of this Act shall continue in office as members of the governing board of the Federation under this Act as if elected to office under this Act, but only for the remainder of the their term but shall be eligible for election to the governing board of the federation under this Act.

Provided that cessation of membership in the governing board of the council under this paragraph shall not affect the membership of a member of the Board of the Authority, who shall, despite that cessation, continue in office as provided for in paragraph 1.
Sections 12 of Act No. 21 of 2013 which it is proposed to amend—

Term of office.

12.(1) The chairperson shall be appointed for a single term of six years and is not eligible for re-appointment.

(2) A member of the Commission shall be appointed for a single term of five years and is not eligible for re-appointment.

Sections 7(1)(g) of Act No. 21 of 2013 which it is proposed to amend—

(g) the facilitation and provision of all the necessary support for the aircraft accident and incident investigations conducted by the investigator-in-charge;

Sections 53(1) of Act No. 21 of 2013 which it is proposed to amend—

53.(1) For the purposes of carrying out responsibilities under section 52(b) and (c), the Cabinet Secretary shall appoint, by way of Gazette notice, investigators of accidents from whom he or she shall appoint an investigator-in-charge of air accidents and his or her Deputy.

(2) The objective of the investigation of an accident or incident shall be to determine the safety factors and where possible the probable cause and the prevention of accidents and not to apportion blame or liability.

Sections 54(1) and (3) of Act No. 21 of 2013 which it is proposed to amend—

54.(3) Upon completion of the accident investigation, the person in charge of investigation shall submit a final report of the findings to the Cabinet Secretary for publication in the Gazette.

(4) The person in charge of investigation may, at any stage of an investigation—

(7) Where the investigator-in-charge has reasons to
believe that a person is capable of supplying information, producing a document or giving evidence that may assist in the performance of an investigation, the investigator-in-charge may by summons signed by himself or herself or the person in charge of investigation and served on that person, require the person—

The definition of "Secretary" in section 2 of No. 28 of 2013 which it is proposed to delete and substitute —

"Secretary" means the Secretary of the Commission appointed under section 8;

Section 5(1),(h) of Act No. 28 of 2013 which it is proposed to amend -

5.(1) (h) the Secretary, who shall be an ex-officio member and the Secretary to the Board.

Section 8(1),(2), (3) and (4) of Act No. 28 of 2013 which it is proposed to amend -

8.(1) There shall be a Secretary to the Commission who shall be appointed by the Cabinet Secretary on the recommendation of the Commission after a competitive recruitment process.

8.(2) A person shall be qualified for appointment as a Commission Secretary if the person—

8.(3) The Secretary shall be the chief executive officer of the Commission and shall be responsible for the day-to-day management of the affairs of the Commission.

Section 12 of Act No. 28 of 2013 which it is proposed to amend -

Research. 12.(2) Subsection (1) shall not apply to a person conducting scientific research under a university or a research institution programme.

Rights of Institutes to research findings and discoveries. 25.(1) All rights in any discoveries, inventions and improvements in respect of processes, apparatus and machines made on behalf of an institution shall vest in the institution but may be made available for use in the public interest.
Section 41 of Act No.29 of 2013 which it is proposed to amend—

41. The Common seal of the Commission shall be kept in the custody of the Commission Secretary and used in the manner the Commission shall direct.

Section 2, 9(3), 26(1) 28(1) 46 and Second Schedule paragraph 21 of Act No.29 of 2013 which it is proposed to amend—

“teacher trainer college” means an institution offering technical teacher training at diploma level;

Section 9.(3)(a) of Act No.29 of 2013 which it is proposed to amend—

9.(3)(a) holds a doctorate degree from a university recognized in Kenya;

Section 26(1) of Act No.29 of 2013 which it is proposed to amend—

26.(1) Teacher trainer colleges, which shall offer up to higher diploma level, and;

Section 28(1)(d) of Act No.29 of 2013 which it is proposed to amend—

28(1)(d) Councils for teacher trainer college.

Paragraph 21 of the Second Schedule to amend -

Offences by a TIVET institution.

21. Where it is proved that an offence under this Act has been committed by an institution with the consent and or connivance of or is attributable to the Secretary of the Board or other officer of the institution or any other person who was purporting to act in any such capacity, he as well as the institution shall also be guilty of that offence.